

RACING BOARD POLICY MANUAL



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EXECUTIVE DIRECTOR

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Section 1 Introduction

Welcome to the Illinois Racing Board.

This handbook has been prepared to help you as an employee of the Illinois Racing Board. It contains a brief overview of the agency and its functions, as well as information pertaining to the benefits offered to state employees. The handbook will also help you understand agency rules and your responsibilities as an employee.

About the Employee Handbook

This handbook is a guide and should not be construed as a contract of employment in favor of either the employee or the employer. **No provision of this handbook supersedes the personnel code or any negotiated contract.** Employees covered by a collective bargaining agreement are expected to read and understand their rights and obligations under the applicable collective bargaining agreement and supplemental to that agreement. The Illinois Racing Board retains the right to alter the contents of this handbook at any time. This handbook offers descriptions of many employment benefits available to agency employees. However, not all employee benefits described in this handbook are available to every individual who performs services for the agency. If you provide services to the agency as a temporary employee, on a contractual basis, or through a third-party contractor—many employment benefits described in this handbook are not available to you. While you may be entitled to certain employment benefits based upon other agreements, laws, rules, or provisions—this handbook does not create or expand any right to employment benefits.

About the Agency

The Illinois Racing Board was created in 1933 and its legal mandate is defined in the Horse Racing Act of 1975. The jurisdiction, supervision, powers, and duties of the Illinois Racing Board shall extend under the Act to every person who holds or conducts any race meeting within the State of Illinois where horse racing is permitted for any stake, purse, or reward. The mission of the Illinois Racing Board is to regulate horse racing through the enforcement of the Act and its rules and regulations and to ensure the honesty and integrity of Illinois racing and wagering.

Legislative Intent

The Illinois Horse Racing Act of 1975 is intended to benefit the people of Illinois by assisting economic development and promoting Illinois tourism. The General Assembly finds and declares it to be public policy of the State of Illinois to:

- (a) Support and enhance Illinois' horse racing industry, which is a significant component within the agribusiness industry;
- (b) Ensure that Illinois' horse racing industry remains competitive with neighboring states;
- (c) Stimulate growth within Illinois' horse racing industry, thereby encouraging new investment and development to produce additional tax revenues and to create additional jobs;
- (d) Promote the further growth of tourism;
- (e) Encourage the breeding of thoroughbred and standardbred horses in Illinois; and
- (f) Ensure that public confidence and trust in the credibility and integrity of racing operations and the regulatory process is maintained.

Illinois Racing Board

The Illinois Racing Board (“Board”) consists of eleven members appointed to six year terms by the Governor with the advice and consent of the Senate. The Board is responsible for the enforcement of the statute governing horse racing in Illinois known as the Illinois Horse Racing Act.

Each year the Board issues racing licenses and establishes a racing schedule for each of the state’s operating racetracks, both thoroughbred and harness. The race date allocation process involves an assessment of each racetrack’s application for a racing license in view of the best interest of Illinois racing and such factors as the racetrack’s facilities and accommodations for the public, the tax revenues to be generated for the state from various race meets, the extent of promotional and marketing activities, the character, fitness, reputation and integrity of the racetrack’s owners and operators, and each racetrack’s compliance with affirmative action plans.

Off-track or “OTB” licenses are issued by the Board on an annual basis. Each racetrack is entitled to receive up to six OTB licenses, except Fairmount Park which is entitled to seven such licenses. An off-track facility may not be located within 500 feet of any church, school, or residence and must be located within 90 miles of the applicant’s racetrack (135 miles for downstate tracks). Additionally, all Illinois racetracks are entitled to accept inter-track simulcast wagers when they are not conducting live racing.

The Board is responsible for the audit of all racing revenues and receipts, and for the collection and disbursement of all fees and taxes from racing. The Board employs pari-mutuel auditors to ensure that all collections and disbursements are made correctly and in a timely fashion in accordance with the provisions of the Illinois Horse Racing Act.

It is the Board’s responsibility to ensure the honesty and integrity of all horse races conducted in Illinois. All racing participants including jockeys, harness drivers, trainers, grooms, owners, outriders, pony persons, feed vendors, concessionaires, veterinarians, exercise persons, blacksmiths, agents and others must be licensed by the Board each year. The licensing process involves a complete criminal background check, a review of the applicant’s prior racing record and financial history, an assessment of the applicant’s character and fitness, and a determination of the applicant’s competency to perform the duties for which the license is sought. Once issued, a license may be suspended or revoked by the Board for any just cause.

Each race conducted in Illinois is observed by at least three stewards and several patrol judges all of whom have extensive racing experience. The stewards’ viewing stand is located near the finish line of each racetrack and is equipped with several television monitors to permit a viewing of multiple angles of each race. The stewards observe the races both for acts of interference, which would cause a disqualification, and for attempts to fraudulently manipulate the outcome, which would result in the permanent suspensions of any parties involved.

All winning horses and others selected at the discretion of the stewards are required to provide a urine and blood sample for purpose of testing for illegal substances. The Board employs veterinarians at each track to supervise the collection of blood and urine at designated post-race detention barns. Following each race program, blood and urine samples are sent to a state-of-the-art forensic laboratory located in Chicago.

Each horse entered to race must be in a detention barn several hours prior to its post-time, and must be attended by the trainer or the trainer’s delegate. The entire barn area is closely monitored by security guards employed by the racetrack. The Illinois State Police provides investigative services for the Board.

To ensure that horses participating in the races are the same as those entered and listed in the official program, each horse in each race is identified by registered lip tattoo or freeze brand as the horse arrives in the paddock. During pre-race warm-ups, every horse is examined by a veterinarian to ensure that it is physically sound and not medically incapable of giving its best effort.

The Board's administrative staff and central offices are located at the James R. Thompson center in downtown Chicago.

Section 2 Rules of Conduct

This part of the Employee Handbook lists minimum rules of conduct for agency employees. These rules are mandatory. You must be aware of the rules of conduct and their application and must seek information from your supervisor in case of doubt or misunderstanding about the rules. These rules are an integral part of the administration, management, direction, and supervision of the Illinois racing laws and related statutes. A violation of these rules is considered misconduct. An employee whose behavior does not conform to these rules, administrative rules, State laws, and Board policies and procedures will be considered misconduct and is subject to disciplinary actions and/or formal charges. Administrative action may include, but is not limited to:

- changing of assigned duties,
- divestment of a conflicting interest,
- disqualification from a particular assignment,
- oral or written reprimand,
- suspension of employment, and
- termination of employment

Such action, which may be in addition to any penalty prescribed by law, shall be taken in accordance with any applicable law, executive order, or regulation.

2.1 Reporting Employee Misconduct

If you know or have reason to believe criminal conduct involving or impacting the agency, or any violation of the rules of conduct in this handbook, applicable administrative rules, State laws, or Board policies or procedures may have been committed by an employee, former employee, or any other individual whose acts might affect the agency, you must promptly report this knowledge to the Executive Director or your supervisor. If the alleged criminal conduct involves the Executive Director, you must promptly report this knowledge to the Chairman of the Illinois Racing Board and to the agency's General Counsel. Reporting such misconduct is not optional. Failure to comply with the provisions of this rule on reporting employee misconduct may subject you to disciplinary action up to and including discharge.

Reports may be made orally or in writing. The information in the report will be disclosed only to those entitled to receive it and is subject to applicable "whistle blower" statutes that protect employees who report wrongdoing.

Reports of alleged misconduct that involve a Board Member must be submitted directly to the Executive Director of the Illinois Racing Board. The Executive Director will review the report, and a determination will be made on any further action.

No employee shall be discouraged or intimidated by threat or pressure when making a report of alleged misconduct. Persons interfering or retaliating are subject to discipline and possible discharge.

2.2 Conduct Unbecoming an Employee

The Racing Board is a regulatory agency and the integrity of the Board is of the utmost importance in order to regulate effectively. The Board's employees are the face of the Board to the public and the industry. All contact with fellow employees, the public, and members of the racing community must be conducted in a manner that will not undermine this integrity; discredit the background, character, or integrity of any individual; cause discord with the public or fellow employees; or disrupt official business, or endanger public safety. "Conduct unbecoming" an employee includes that which tends to bring the agency into disrepute or reflects discredit upon an employee as a member of the agency, or that tends to impair the operation, efficiency, or integrity of the agency or the employee.

All interactions with licensees and the public shall be that of a professional manner so as not to imply or create an appearance of favoritism or unfair treatment.

2.3 Performance of Duties

Incompetency or inefficiency in the performance of a duty or inattention to or failure to perform a duty is considered misconduct. Refusing to carry out lawful supervisory instructions or to follow the lawful directive of any agency supervisor is considered insubordination, and is the basis for disciplinary action up to and including discharge.

2.4 Attendance

Unauthorized absence, excessive absenteeism or tardiness, including leaving work before quitting time and overstaying breaks or lunch periods is considered misconduct.

2.5 Convictions

You must immediately notify the Executive Director when a conviction you incur following your starting date of employment with the agency results in probation, a jail term, or the suspension or revocation of your driver's license. The requirement to notify the Executive Director also applies to any offense (other than a minor traffic violation) that results in a fine or restitution of \$100 or more, excluding court costs, and other amounts added to the fine.

For purposes of this section, "convictions" include all misdemeanors and felonies committed as an adult for which you plead guilty, are found guilty, are convicted, or agreed to an alternative sentencing program or pretrial diversion program which required an admission, stipulation, or finding of guilt, including court supervision and/or probation. "Minor traffic violation" means any offense for which the range of possible penalties includes a fine only.

If a connection exists between your conviction or punishment and your job duties, responsibilities, or fitness for duty, and you fail to comply with the notification requirement set forth above, you may be subject to disciplinary action up to and including discharge.

2.6 Narcotics and Controlled Substances

Consuming, being under the influence of, distributing, selling, or being in the possession of any controlled substance, except those prescribed by a licensed physician, while on official duty or on state property is prohibited. Those found guilty of any of these offenses and will be subject to disciplinary action up to and including discharge and criminal prosecution. These actions are illegal, and a conviction for illegal consumption, possession, or distribution of a controlled substance, whether or not the offense occurred on state time or property, may be cause for disciplinary action up to and including discharge.

You should notify your supervisor if you are using prescription medication that might impair your work performance.

2.7 Intoxicants

Intoxicants may not be consumed, possessed, or distributed while on official duty except as required to maintain security in an undercover assignment. You will be considered unfit for duty if, as a result of you having consumed any amount of legal or illegal substance, your presence at an agency facility or function poses a risk of harm to any person or property or renders you incapable of performing your duties properly. Failure to comply with this section will be grounds for discipline up to and including discharge.

2.8 Responding to Questions in Matters of Official Interest

When directed to do so by the agency, you must testify or respond to questions in matters that relate narrowly, directly, or specifically to the performance of your official duties. You may be required to give such testimony or respond to questions under oath. Refusing to answer such questions and/or cooperate in an official work-related investigation may be grounds for disciplinary action up to and including discharge.

2.9 Making False Statements

The agency, the courts, other governmental agencies, and the public must be able to rely on the truthfulness of agency employees in matters of official interest. You must not make false or misleading verbal or written statements in matters of official interest. Matters of official interest include transactions or interaction with governmental agencies, or fellow workers; entries on work reports of any nature, or accounts of any kind; vouchers, leave requests, application forms, and other forms that serve as a basis for appointment, reassignment, promotion, or other personnel action; and affidavits, testimony, or statements, whether or not made under oath. You must not submit false or misleading information in any verbal or written report. You must not alter or destroy any official reports, records, or evidence with the intent to mislead, conceal, or falsify. You may be subject to disciplinary action, including dismissal and prosecution, for making false or misleading verbal or written statements concerning matters of official interest.

2.10 Workplace Violence

Illinois Racing Board employees have the right to a workplace that is free from violence and the threat of violence. Workplace violence creates unsafe working conditions, undermines the safety of employees, and will not be tolerated. Employees committing acts of workplace violence may be subject to discipline up to and including discharge.

Workplace violence includes the following unlawful acts:

- **Assault.** Any act without lawful authority that places another in reasonable apprehension of receiving a battery.
- **Battery.** Any act performed knowingly or intentionally without legal justification which causes bodily harm or physical contact of an insulting or provoking nature to another.
- **Threatening a Racing Board employee.** Willfully conveying to an employee of the agency, either directly or indirectly, a threat that places the employee or a member of his or her immediate family in reasonable apprehension of immediate future bodily harm, sexual assault, confinement, or restraint.

2.11 Weapons

Possession of a weapon on state premises or during the performance of assigned agency duties is strictly forbidden, except for possession by employees who are authorized to have weapons in connection with their official duties. Failure to comply with this section will be grounds for immediate dismissal.

2.12 Solicitation

The Illinois Racing Board permits and encourages employees to participate in savings plans and fund drives for recognized and authorized organizations such as the State and University Employees Combined Appeal (SECA), U.S. savings bonds, and other programs administered statewide.

2.13 Misuse of State Time/Property

Theft, misuse, abuse, or conversion to personal use of state property or property belonging to another is considered misconduct. Misuse or abuse of state working time for personal gain or for any reason other than performing the employee's assigned duties is also misconduct.

2.14 State Credentials and Authority

State credentials, including any Board or State Police issued I.D.s and vehicle access stickers are to be used only in connection with official duties. Such credentials or your official position, status, or designation are not to be used to exert undue influence, to obtain special privileges, favors, or rewards, or to enhance prestige.

Because of the need for security in many of the agency's work areas, identification badges are issued to all employees. These badges must be shown to the guard upon entering any facility at which the agency has an office that is staffed by security personnel and must be worn visibly at all times while in the facilities.

The loss of a badge should be reported immediately to your supervisor and the agency's Office Manager at the James R. Thompson Center.

In the event that you change positions within the agency and no longer require the use of an I.D., you should turn these items in to your immediate supervisor.

Upon taking a leave of absence or terminating employment, any employee who is issued credentials must return these items to the agency. If you fail to surrender any credential upon termination, your final paycheck may be withheld until these items are returned.

Section 3: Personnel

3.1 Work Attire

Employees who meet the public on a continual basis as a normal part of their permanently assigned duties shall be expected to dress themselves in generally acceptable business attire and not casual or recreational clothes. Employees must be attired in a manner befitting the individual position responsibilities and the surroundings in which assignments take place.

Failure to utilize agency-issued equipment or clothing which results in injury or damage to State property will be considered a violation.

3.2 Attendance

Employees of the Illinois Racing Board generally do not work a standard five-day week with the exception of Central Office employees, who work 7.5 hours per day (37.5 hours per week). Your work schedule will be a reflection of the racetrack at which you are working. The Illinois Racing Board meets in September of every calendar year to issue a racing schedule for each Illinois racetrack. This schedule will determine “dark periods” where there will be no live racing. These “dark periods” will have a direct effect on your work schedule. The field staff supervisors will issue monthly schedules throughout the calendar year. The field staff supervisors will also notify you of any changes in your work schedule.

3.2.1 Monthly Timekeeping Report

Each employee will receive a monthly Time & Attendance Report for review. Employees are to promptly review the report to determine whether it accurately reflects (a) time spent on official state business, and (b) authorized leave, to the nearest quarter hour. Rest periods permitted by Chapter 2.5 shall constitute official state business for the purposes of completing timesheets only, but lunch periods shall not constitute official state business for the purpose of completing timesheets.

If the report is accurate, the employee shall sign where indicated and return it to his or her timekeeper. If the report is not accurate, the employee shall report this fact to his or her timekeeper so that a corrected report, and any necessary leave slips, can be prepared for signature.

The monthly Time & Attendance Report is to be certified by the timekeeper and approved by the supervisor prior to submission to the Administrative and Regulatory Shared Services Center (“Shared Services”) by the timekeeper. Each employee, supervisor, and timekeeper is responsible for proper compliance with agency timekeeping rules and procedures.

3.2.2 Reporting of Time

For Per Diem employees, in order to be credited with one per diem or any portion thereof, the employee must be signed in on an official timesheet from one of the departments (Stewards Office, Security, Licensing, or Detention Barn) at one of the racetracks, a state or county fair venue, or at the downtown office. This timesheet must be signed by a supervisor. Overtime for bargaining unit employees is governed by the Supplemental Agreement to the Collective Bargaining Agreement.

Central Office employees must ensure that they are working and recording 7.5 hour days, or 37.5 hour weeks. All employees must notate on the time sheets - whether using an Excel spreadsheet or punching in and out – the time of arrival, time left for lunch and returned, and the time of departure.

3.2.3 Tardiness and Absenteeism

If you do not call your supervisor within the first hour of your assigned shift to report your absence and you do not have a substantiated reason for failure to report the absence, your absence will be considered an unauthorized absence. It is imperative when you call in to report your absence that you talk to your supervisor and not merely any employee who happens to answer the phone.

Generally, if you do not have a sufficient balance of accrued time to use, authorized dockage will not be used. However, in instances where extenuating circumstances warrant the approval of authorized dockage, your non-bargaining unit supervisor may do so for a period not to exceed one pay period. Such circumstances might include a situation in which you have a death in the immediate family but you do not have enough sick leave, vacation, or personal leave available to allow you to attend the funeral. Such leave might also be granted if your performance and attendance record are satisfactory but you used all of your accrued time for a personal illness or a family crisis. All of the factors involved in the specific situation will be considered when evaluating such requests.

3.2.4 Unauthorized Absences

Unauthorized absences shall be those absences for which time is not approved. The threshold between late arrival and unauthorized absence is one hour after starting time. Employees are expected to report to their assigned work area on time each day as scheduled. Employees are responsible for notifying their immediate supervisor when they are tardy or anticipate being tardy. In emergencies, if no personal business time is available, vacation, holiday, or compensatory time may be approved subject to verification of an emergency situation. Emergency call-in requests will not be denied unless a critical operating need exists.

3.2.5 Approval for Time Off

Any time you are absent, you are required to complete a Request for Leave form. This form must be signed by both you and your supervisor. **If the absence is one that can be scheduled in advance, the form must be completed and approved by your supervisor before the absence occurs.** When you are calling in to your supervisor for time off due to illness or emergency, it is your responsibility to submit a completed leave form as soon as you return to work following your absence. Failure to turn in a leave form within five (5) business days of your return may result in discipline. If you have any questions regarding this procedure, you should ask your supervisor or timekeeper.

3.2.6 Makeup Time

The Illinois Racing Board recognizes that there may be instances in which you need to be absent from work for a short period of time and you do not choose to use accrued leave balances to account for your absence. In these instances, it is the agency's policy to allow you to make up time—provided the following criteria are met:

- You may not use more than 1 ½ hours of makeup time during any work week

- *You must secure written approval from your supervisor prior to the absence* just as you would for the use of an accrued benefit such as vacation or personal leave, including the completion of a Request for Leave form.
- The time must be made up during the week, and pay period, in which the absence occurred.
- Hours spent making up time will not be considered overtime.

The granting of makeup time is **not** a right but instead based on the approval of the immediate supervisor. In granting makeup time, your supervisor will take into consideration the operating needs of the section in which you work, your need to be absent, and your general work and attendance record.

Makeup time may **not** be used to cover absenteeism or tardiness.

Makeup time will be allowed only for full-time, permanent employees, excluding 4 and 9 day schedules, temporaries, and other part-time employees.

Each day of unauthorized absence shall be considered a separate offense for purposes of discipline unless there are verifiable extenuating circumstances. Each day of unauthorized absences without a call-in shall be considered two offenses.

Bargaining unit members are governed by the Affirmative Attendance Policy of the AFSCME Collective Bargaining Agreement.

3.3 Work Schedules

3.3.1 Breaks

Work schedules authorized by the Illinois Department of Central Management Services include two 15-minute paid breaks each day. You are granted a 15-minute break during the first half of each shift and another 15-minute break during the second half of each shift. Breaks for employees on shorter work schedules are generally 20 minutes in length total rather than two 15-minute breaks.

The breaks allowed to employees are paid time and, therefore, cannot be used to make up time. If breaks are not taken during the appropriate half of each shift—they are forfeited. Breaks are not to be used to extend a lunch hour and should not be used to adjust starting or quitting times.

3.3.2 Lunch Periods

Bargaining unit members are governed by the provisions of their collective bargaining contracts, which state that “work schedules shall provide for the workday to be broken down approximately midpoint by an uninterrupted, unpaid meal period of not less than 30 minutes and not more than one hour.” Non-bargaining unit employees are also required to take a minimum 30-minute, unpaid lunch period.

All employees must clock out and in for lunch. If field staff is able to take an uninterrupted lunch, they must clock out/in. If an uninterrupted lunch period is not possible, the meal period will be part of the paid per diem.

The scheduled time for your lunch period cannot be altered to shorten the workday.

3.3.3 Overtime and Shift Changes

On occasion, you may be required to work overtime, report before or remain at work after normal working hours, or work on a regularly scheduled off day. The provisions governing overtime are subject to the federal Fair Labor Standards Act. Because of the agency’s need to maintain detailed records on overtime hours in order to be in compliance with this federal law, it is necessary for you to secure written approval from your supervisor prior to working overtime.

Refusal to work overtime or accept a required change in hours—unless you show undue hardship—may constitute insubordination and may be grounds for disciplinary action. The agency will not excuse you from mandatory overtime or other non-normal working hours of your Illinois Racing Board job because of outside employment or other non-work commitments such as participation in car pools. Contact your supervisor or the agency Personnel Officer if you have any further questions.

3.3.4 Earned Equivalent Time

The Equivalent Earned Time Policy pertains to those employees who are **non-union**, exempt under the Fair Labor Standards Act, and in positions not otherwise eligible for overtime compensation. With management’s **prior** approval, employees in eligible job titles may receive Equivalent Earned Time (EET) for hours worked in excess of their regularly scheduled workweek.

Employees who are eligible for EET shall request such time before working in excess of their regularly scheduled workweek, and management may grant these requests **based on the agency’s operational needs**. (Paid benefit time—sick, personal, vacation, holiday—will count towards meeting their regularly scheduled

workweek.) EET shall be accrued at straight time only to a rolling maximum balance of 160 hours—an employee cannot exceed a balance of 160 hours of EET at any given time. Existing EET must be utilized and the remaining balance of EET must be below 160 hours before additional EET may be earned. EET balances will not expire and may be carried over from one fiscal year to the next. EET will accrue in no less than one half hour increments. Time spent in travel outside the normal work schedule shall **not** be counted toward accrual of EET.

Employees must complete and sign the CMS-259 Overtime Request and Report Form in advance, and the employee's immediate supervisor must review and approve the employee's request in advance of the time to be worked. If emergency situations prevent the completion of the CMS-259 form in advance, the employee must complete the form and secure supervisor's approval as soon as possible. Reference should be made on the form to the emergency situation. An employee who wishes to use accrued EET must complete the CMS-207 Official Leave Request Form in advance and obtain its approval. EET may be used in one-half hour increments only after one full hour has been used.

EET balances will not be converted to cash payment at any time. EET balances do not transfer with the employee when moving from one agency to another. EET balances do not carry over with the employee when changing from an EET-eligible position to a bargaining unit title.

3.3.5 Flextime

The agency participates in a system of variable working hours called flextime that is available to employees in some sections. Hours for employees in those sections in which flextime scheduling is available may vary from regular working hours; however, flextime is subject to the following limitations:

- An employee on flextime must work the core hours of 10:00 a.m. to 3:00 p.m.
- Flextime cannot be made a condition of employment.
- Flextime is not available to every section within this agency.

Flextime should not be confused with work schedules. Flextime is used when you request to work hours different from the standard hours assigned to your area. Work schedules are the approved work shifts established by management and approved by the Illinois Department of Central Management Services. The availability of flexible hours must be based on the operating needs of the agency. Participation in this program is not available to all employees. If the agency determines that its needs may adequately be met by such a schedule, it will allow eligible individual employees the opportunity to work a flexible schedule. Your flextime schedule will be reviewed annually at the time of your performance evaluation.

Participation is open to full-time, non-probationary agency employees.

If you wish to participate in the flexible hour program, you should obtain an Employee Flextime Request form from your supervisor. Employees must provide reasons for the request. After you have completed the form, return it to your supervisor for his or her consideration. You will be notified in writing regarding the approval or denial of your flextime request. You may not begin reporting for flextime until authorized to do so.

If you move from one area to another within the agency you will have to secure the approval of your new supervisor prior to working flextime hours in your new area. The flextime approval does not automatically transfer with you into the new area.

If you wish to terminate your flextime hours and go back to the normal work schedule for your area, it is your responsibility to notify your supervisor, who will notify Shared Services. The employee must also complete and submit the appropriate forms.

If the needs of the agency should change or if evidence should indicate that flextime interferes with the work requirement of your employer, your supervisor may terminate flextime. In this case, the termination would be with good cause, and you would be notified sufficiently in advance to make accommodations.

3.4 Personal/Vacation/Sick Days

3.4.1 Personal Leave

All employees, except those in emergency or temporary status, will be granted three personal days off each calendar year with pay. Permanent part-time employees and per diem employees are granted personal days based on the amount of time they are scheduled to work.

Permanent employees who work a full calendar year without using any sick leave will be granted an additional personal day in the subsequent calendar year. Effective January 1998, permanent part-time employees who work a full calendar year without using any sick leave will be granted a prorated portion of an additional personal day in the subsequent calendar year.

New employees who begin their employment with the Illinois Racing Board after the first day of the year are credited with personal leave as follows:

<u>Start Date</u>	<u>Amount of Leave</u>
Jan 1 – Feb 15	3 days (22.5 hours)
Feb 16 – Apr 15	2.5 days (18.75 hours)
Apr 16 – June 15	2 days (15 hours)
June 16 – Aug 15	1.5 days (11.25 hours)
Aug 16 – Oct 15	1 day (7.5 hours)
Oct 16 – Dec 15	0.5 days (3.75 hours)
Dec 16 – Dec 31	none

Per Diem employees will accrue personal days pursuant to the Supplemental Agreement of the collective bargaining agreement.

Personal days may be used for observing religious holidays, holiday shopping, absence due to severe weather conditions, or for other similar personal reasons. Personal days shall not be used to extend a holiday or vacation leave unless your supervisor gives you written permission in advance.

Personal leave can be approved in an initial one-half hour increment and quarter-hour increments thereafter. For inclement weather and participation in the Upward Mobility Program, personal leave can be approved in one-half hour increments. There is no carryover for personal leave from one calendar year to the next.

Except in the case of an emergency, you should request personal leave in advance. Normally, personal leave should be approved unless there is a legitimate operational need to deny such a request. You are not entitled to payment for unused personal leave upon separation except in the case of retirement, permanent disability, or death, in which case payment is one-half of the unused personal leave.

3.4.2 Vacation

Employees, except emergency and temporary employees, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class. Eligible employees shall earn vacation time in accordance with the following schedule:

- From the date of hire until the completion of 5 years of continuous service: 10 workdays per year of employment.

- From the completion of 5 years of continuous service until the completion of 9 years of continuous service: 15 workdays per year of employment.
- From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 workdays per year of employment.
- From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 workdays per year of employment.
- From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 workdays per year of employment.
- From the completion of 25 years of continuous service: 25 workdays per year of employment.

Vacation is credited to your balance on the first day of the month following the month in which it was earned. You earn vacation for each month if you were in pay status at least one-half of the work days in that month. If your vacation earning rate changes, you earn the higher rate for that month if your vacation base date is on the 16th of the month or earlier. If the date is after the 16th of the month, the higher rate is not earned until the following month. Permanent part-time employees earn vacation time based on the amount of time worked.

Vacation time may be taken in increments of not less than ¼ hour after a minimum use of ½ hour any time after it is earned. Vacation time shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned. (Note that employees under mandatory furlough programs may be entitled to greater carry-over of days.)

Per Diem employees accrue vacation time as provided in the Supplemental Agreement to the collective bargaining agreement.

Employees shall not be allowed to carry over more vacation days than are set forth in Article X of the AFSCME Master Agreement. In the case of Per Diem employees—vacation time may only be used in increments of a full per diem at a time.

Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service that qualified for earning of vacation benefits is continuous with present service.

(This applies to vacation time earned on or after October 1, 1972.)

Generally, you must complete six months of continuous service before you may take vacation time. However, some collective bargaining agreements allow for the use of vacation during this initial probationary period with the approval of your supervisor. If you have fewer than six months of continuous service, you will not be paid for accrued vacation time upon separation from employment.

Upon termination of employment by means of resignation, retirement, indeterminate layoff, or discharge - provided the employee is not employed in another position in state service within 4 calendar days of such termination – an employee is entitled to be paid for any vacation earned but not taken or forfeited, provided the employee has at least 6 months of continuous service since the latest date of appointment. No other payment in lieu of vacation shall be made except as provided by the Personnel Rules (80 Ill. Admin. Code 303.295).

3.4.3 Sick Days/Leave

All employees, except those in emergency, intermittent, part-time, or temporary status, accumulate sick leave at the rate of one day for each month's service. This leave is credited to the sick leave balance on the first day of each month. If you enter service or return from leave of absence after the first day of the month but prior to the 17th of the month, you will receive a full day of sick leave for that month. If you enter service or return from leave of absence on the 17th of the month or later, no sick time is earned for that month. Sick leave may be carried over from year to year with no limitation to the number of days or hours. When you leave state service, you will be paid for one-half of the unused sick leave days earned on or after January 1, 1984, through December 31, 1997.

Per Diems accumulate sick time pursuant to the Supplemental Agreement of the collective bargaining agreement.

When you use sick leave, the leave you earned after January 1, 1998, or before January 1, 1984, will be used first. Once this sick leave has been exhausted, the leave you earned between January 1, 1984 and January 1, 1998, will be used.

Sick days/leave may be used for illness, disability or injury of the employee, appointments with doctor, dentist or other professional medical practitioner and also may be used in the event of serious illness, disability, injury or death of a member of the employee's immediate family. The agency may require evidence to substantiate that such leave days were used for the purpose herein set forth for periods of absence of ten consecutive workdays or less. For periods of absence of more than ten consecutive workdays the employee shall provide verification for such absence in accordance with the provisions of Section 303.145. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded one (1) additional personal day on January 1 of the next calendar year.

Beginning with July 1, 1997, a part-time employee who works at least half time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such additional personal day shall be used in accordance with Section 303.125. Authorized dockage may be granted if you are ill and do not have sick leave to use. For this purpose, you cannot remain in dockage status for more than the equivalent of one pay period.

Family illness also is deducted from your sick leave balance and may be used in the event of illness, disability, injury, or death of a member of your immediate family. The "immediate family or household" includes:

- Spouse,
- Parent,
- Brother or sister,
- Child, or
- Any relative or person living in the employee's household for whom the employee has custodial responsibility or where such person is financially and emotionally dependent on the employee.

For the attendance at funerals, the term "immediate family" also includes:

- Grandparents
- Grandchildren
- Parents-in-law
- Brothers/sisters-in law
- Daughters/sons-in-law

Sick leave and family illness time may be used with an initial minimum of one-half hour and quarter-hour increments after the initial half hour.

Advancement of Sick Leave

If you have two or more years of continuous service, you can request an advancement of sick leave with pay for up to ten working days with the written approval of the agency and the director of Illinois Department of Central Management Services. Advancement of sick leave can be made for any reason that justifies a legitimate use of sick leave. These reasons include personal illness, family illness, or a death in your family. You should make your request for an extension in writing to your immediate supervisor before you use such time or during the period of illness. Requests made after the fact will not be honored.

Your supervisor should approve or deny the request based upon his/her knowledge of your attendance and work record and submit the request to the agency's Personnel Officer for agency approval. Requests that are received in the Personnel Office without the required approvals will be returned to the sender with no action taken.

Advanced sick leave will be charged against sick leave credits accrued during subsequent months.

Sick Leave Bank

The agency maintains a sick leave bank for employees who become temporarily disabled or incapacitated because of life-threatening illness or injury, illness or injury of other catastrophic proportions, or for employees who have an immediate family member in such a condition.

A full-time or permanent part-time employee with at least six months of service and a minimum of five days of accumulated sick time on the books is eligible to join the bank. After you have been a member of the bank for 60 days, you are eligible to request the use of up to 25 sick days per calendar year from the bank based upon your need in conjunction with the above referenced criteria.

Unlike advance sick leave, time used from the sick leave bank does not require that you repay it. If you are interested in joining or if you are already a member and wish to use the bank, you may obtain membership forms or "Request for Use" forms from Shared Services or the agency's Personnel Officer.

3.5 Holidays

The agency recognizes certain holidays each calendar year. The list of holidays to be observed annually is published by Central Management Services (“CMS”). An employee who is scheduled to work full time receives full holiday pay if he/she works on his/her last scheduled work day before and the first scheduled work day following the holiday, or if absence on either or both of these days is for good cause and approved by the agency.

Per Diem employees are paid pursuant to the Supplemental Agreement of the collective bargaining agreement. To be eligible for holiday pay, the holiday must fall within your scheduled work period.

Holidays that occur on Saturday are observed on the preceding Friday. Holidays that occur on Sunday are observed on the following Monday. If you are required to work on a holiday, you will be granted equivalent time off at a later date or, for some bargaining unit employees, the contract allows for cash payment for time worked on a holiday. Vacationing employees will not be charged a day of vacation time for a holiday.

3.6 Inclement Weather

When work sites are open but weather prevents an employee from reaching the work site, he/she must account for such absence by use of accrued time such as vacation time, personal business time, accrued compensatory time, or by excused absence without pay. When a determination of inclement weather has been made, an employee may use personal business time in one-hour increments.

When work sites are closed after the start of a work shift by order of the Governor or Director of Central Management Services because of inclement weather, an employee shall be released with pay for the balance of that shift. When work sites are closed with notice prior to the beginning of a shift, an employee must utilize his/her own time. An employee who had previously arranged to be absent on a day when a work site is closed will be charged for the amount of leave time that had been scheduled to be used.

If an employee chooses to save vacation time, and thereby forfeit pay for the time lost due to inclement weather, he or she will be allowed to do so. Sick leave may not be used to cover absence due to inclement weather.

In the case of cancellation of a racing day, those employees present, or en route, at the time of the cancellation will be paid for two hours. Per Diem employees can calculate this by dividing their basic pay rate by 7.5 to determine the hourly rate. However, if the employee has been on the job for at least four hours at the time of cancellation, or more than four races have been run prior to cancellation, the employee shall be paid for a full day.

3.7 Personnel Files

Agency personnel files are kept by Shared Services. The official personnel file is held at the Administrative & Regulatory Shared Services Center: Human Rights Division. The Illinois Department of Central Management Services also maintains an official personnel file for employees which contains no information that is not contained in the work location file. These files are confidential; however, you are entitled to review the contents of your file.

Use of information in your personnel file is limited to work-related matters only. Supervisors may use this information, for example, to help determine qualifications for advancement.

Under State FOIA laws, portions of employee personnel information are subject to disclosure upon request. Information that may be disclosed includes salaries and evaluations.

3.7.1 Employment Records

To comply with state law, employment records must be kept up to date. If there is a change in your mailing address, telephone number, marital status, or dependent status, ask your supervisor, the agency Personnel Officer or contact Shared Services for the proper forms to update your information.

3.8 Employee Evaluations

An employee evaluation is an important tool for both the employee and employer. It helps the employee set challenging yet realistic objectives, and provides necessary feedback. The supervisor should work with the employee to develop appropriate objectives, and to define criteria for evaluating performance toward those objectives.

Through the evaluation process, an employee may make substantial improvements over past performance, thereby making a significant contribution to the mission of the agency. Also through the evaluation process, the agency is able to refine and coordinate its objectives and to analyze each employee's performance and contribution to the agency.

Each evaluation must be discussed with the employee and the employee will receive a copy. The evaluation becomes part of the official documentation of employee performance, and may be used to support a personnel transaction or disciplinary action.

Participation in the evaluation process is a requirement for all CMS employees. Evaluations take place every 12 months, unless otherwise specified under the Personnel Rules. Supervisors are encouraged, however, to utilize the evaluation process more frequently to reflect outstanding employee performance, markedly improved employee performance or deteriorating performance.

3.9 Discipline

Appropriate use of corrective and progressive discipline is a policy of the agency. Such discipline may include oral and written reprimands, suspensions, or termination of employment, and is determined by the nature and severity of the infraction.

Disciplinary procedures for employees who violate agency rules and/or policies will be handled in accordance with the applicable collective bargaining agreement or personnel rules.

If you are being disciplined, you have the right to names of witnesses and copies of relevant documents. You must respond to questions of administrative interest, except that you are not required to answer an incriminating question that would subject you to possible prosecution. In cases in which certain bargaining unit employees commit a possible prosecutable offense off the premises on their own time, the agency may place the bargaining unit employee on an unpaid "suspension pending judicial verdict." Under the

personnel rules, certain non-bargaining unit employees have the right to request leave pending outcome of the judicial process.

3.10 Grievance Procedure

You have the right to initiate grievance proceedings. You should discuss causes for any grievances with your supervisor first. Non-bargaining unit employees who feel grievances are unresolved should state their objections on Form CMS-40, Grievance Report and Record.

Bargaining unit employees should contact their union representative to obtain the appropriate grievance form. The steps of the appropriate grievance procedure must be followed, and the time limits for reporting the grievance must be observed.

If your position is covered by a collective bargaining agreement, you should become familiar with the grievance procedure in the appropriate contract. Non-bargaining unit employees should refer to Personnel Rule 303.10, 80 Illinois Administrative Code.

3.11 Enrollment and Separation

3.11.1 Enrollment Processing

Employees must be officially enrolled through the agency's Shared Services Division. Falsification of information for employment or on any related documents or personnel records may be cause for immediate discharge.

You may be required to furnish proof of attendance or transcripts from any vocational school, college, or other educational institution. Veterans should be prepared to furnish copies of their discharge records.

Applicants for employment are subject to a background investigation by law enforcement; the investigation may include a check of tax filing, criminal convictions, and a check of references - including former employers. You may be subject to fingerprinting or submission of additional employment-related material upon request. Convictions of felony or misdemeanor charges do not automatically disqualify you from employment; however, falsification of agency records about such convictions may be grounds for rejecting an application or termination of employment.

3.11.2 Nepotism

To ensure that no favoritism is shown, it is the policy of the Illinois Racing Board that relatives not report to each other. It is the responsibility of the supervisor to report any such situations.

3.11.3 Employee Separation

To terminate employment in good standing, you should give your supervisor as much notice as possible; a minimum of a two week notice of intention to resign is customary unless an emergency is involved. Persons leaving the department must return all property, including security badges, other credentials, credit cards issued by the agency, etc., to their immediate supervisor. Your final paycheck may be withheld until all state property is returned and accounted for.

3.12 Health and Safety

3.12.1 Safety Rules

Following these safety rules can help prevent unnecessary injuries on the job.

- Become familiar with emergency evacuation routes within your work area.
- Keep fire lanes and emergency exits clear at all times.
- When the fire alarm sounds, leave the building along fire lane routes posted for your work area—even during a drill.
- Use proper lifting procedures to prevent back injuries.
- Avoid improper use of electrical appliances and electrical connections. Unplug electrical equipment before repairing, cleaning, or adjusting.
- Use filing cabinets with care; open them only one drawer at a time.
- Wipe up all spills and remove fallen objects from the floor immediately.
- Eliminate hazards by helping to keep your work area clean; don't keep food items in desks or offices.
- Wear safety glasses, ear plugs, or safety shoes if your job requires them.
- Report any injuries to your supervisor immediately.
- Smoke only in authorized areas.
- The burning of any product including, but not limited to, items such as candles, oil lamps, incense, or crafts is prohibited. If you have questions regarding the use of a product, please contact your supervisor.

3.12.2 Electrical Appliance/Food Preparation Policy

Within the Thompson Center, the agency has established and designated an eating area. The only electrical appliances approved for use within that area are a microwave oven, coffee/tea makers, and a refrigerator. No food is cooked within individual work areas.

The agency is concerned about the interference that electrical appliances may have on equipment such as computers and printers. Employees are only allowed to use within their work areas personal fans, radios, approved lamps, and cup warmers. Electrical appliances not allowed are toasters, toaster ovens, refrigerators, and space heaters.

The agency reserves the right to prohibit use of any appliance deemed unsafe by the Office Manager, Building Manager, or Administrator.

Other employees housed in state-owned buildings will abide by the guidelines and policies established by the Illinois Department of Central Management Services. Employees housed in non-state-owned buildings will abide by their individual and local procedures.

3.12.3 Smoking Policy

Smoking is prohibited in all State buildings, offices, and work areas. Employees should inquire about the specific smoking policy for the facility at which they work.

Failure to follow the provisions of the Smoking Policy is a violation of Board policy and state law which may result in progressive disciplinary action.

3.12.4 Drug/Alcohol Abuse

Drug and alcohol abuse is a serious problem in the workplace. It affects a person's physical and mental capabilities and inhibits a person from functioning productively on the job. From a safety perspective, an employee under the influence of drugs or alcohol while at work may impair the well-being of other employees, the public at large, and/or may cause damage to state property.

It is the policy of the State of Illinois that the unlawful manufacture, distribution, dispensation, or possession of a controlled substance or alcohol in the workplace or while performing the duties of a state job is strictly prohibited. An employee violating this policy will be subject to discipline up to and including discharge. *A Racing Board employee who uses alcohol, narcotics, or other habituating drugs during office hours, or who reports to work under their influence, is subject to dismissal.* Also, an employee who possesses or is under the influence of drugs during non-work hours in such a manner that brings adverse criticism to the Board may be discharged.

An employee suspected of being under the influence of alcohol or drugs shall not be permitted to remain at work. Specifics of this policy are:

An employee is expected and required to report to work on time and in appropriate mental and physical condition to perform the duties of his/her job. It is the intention and obligation of the Board to provide a drug-free, healthful, safe and secure work environment.

The State of Illinois does not differentiate among those employees who unlawfully use, manufacture, distribute, dispense or possess a controlled substance or alcohol in the workplace. An employee found to be illegally using, making, or transferring a controlled substance or alcohol while on the job will be subject to discipline up to and including discharge, and may be subject to legal consequences. In addition, the State may also require the employee to successfully complete a drug and/or alcohol abuse program sponsored by an approved private or governmental institution.

The State of Illinois recognizes drug and/or alcohol dependency as an illness and a major health problem. The State further recognizes drug and/or alcohol abuse as a potential health, safety and security problem. An employee needing assistance in dealing with such a problem(s) is encouraged to use the State Employee Assistance Program and health insurance plans, as appropriate.

All discussions with Employee Assistance Program staff shall be kept confidential. Conscientious efforts to seek such help will not jeopardize the employee's job nor will it be noted in any personnel record. However, referral to the Employee Assistance Program in no way exempts an employee from discipline for less than acceptable job performance.

Each employee is required by law to inform the State of Illinois of any conviction he or she receives under a criminal drug statute for violations occurring on or off state premises while conducting business of the State of Illinois. A written report of such conviction must be made and submitted to the Personnel Officer within five days after the conviction. A conviction means a finding of guilt (including a plea of "nolo contendere") or the imposition of a sentence by a judge or jury in any federal or state court.

3.13 State Employee Assistance Program

The Employee Assistance Program (EAP) provides professional and clinical assistance to employees with alcohol or drug abuse problems, emotional, financial, family/marital, or other personal issues for which the employee desires help. These personal issues may be impacting job performance and causing problems such as absenteeism, declining work competencies, or poor personal relationships on the job.

The primary goals of the EAP are to provide help to employees who experience problems so that job performance decline can be prevented or corrected and to help employees deal with life's challenges. EAP specialists direct employees to appropriate counseling services or community-based resources depending upon the nature of the problem.

An employee may refer himself/herself to the Program or be referred by a supervisor. The Program is strictly confidential and the acceptance of a referral will not jeopardize the employee's job.

All calls and counseling sessions are confidential except in instances required by law or when an employee signs a consent for release of information with the EAP counselor. EAP counseling services are provided at no cost to employees and their covered dependents unless they are referred for additional services beyond the scope of the EAP. If an employee elects to accept such a referral, resulting fees and co-payments are the member's responsibility.

AFSCME employees covered under the Master Contract Agreement utilize the Personal Support Program (PSP) for EAP services. AFSCME employees should call the PSP toll-free number listed in the Benefits Choice Options Booklet or contact their local union representative to learn about the program.

Non-AFSCME active employees covered under the State Employees Group Insurance Program are eligible for EAP benefits administered privately by a vendor selected through the procurement process by the Bureau of Benefits. Non-AFSCME employees should call the toll-free EAP number listed in the Benefits Choice Options Booklet.

Self-Referral

Any employee may call the appropriate toll-free EAP number listed in the Benefits Choice Options Booklet to speak with a trained service representative and/or EAP licensed-clinician. The EAP may be used to help an employee deal with most concerns; the issues do not have to be related to workplace problems. The EAP is a life management tool designed to help an employee sort through issues, identify options, and make informed choices.

Supervisory Referral

Supervisors are responsible for ensuring that the job performance of their subordinates is satisfactory. Declining job performance should be documented while attempts are made to resolve the problem through standard supervisory methods. Declining job performance for which the supervisor cannot identify a job-related cause may be related to a variety of personal issues. While it is not a supervisor's role to diagnose personal problems, supervisors might wish to consult with an EAP counselor to determine whether a referral to the EAP may be appropriate. When deemed appropriate, supervisors should meet with the employee, documenting the declining job performance, and refer him/her to the EAP. The employee has the right to accept or reject such a referral.

It is the responsibility of a supervisor to become familiar with the EAP and utilize it appropriately. A referral to the EAP may be made before the application of discipline has been deemed necessary; however, a

referral to the EAP in no way exempts an employee from progressive discipline for less-than-acceptable job performance.

Time Off

Appointments with counselors, legal, medical, social service, or other assistance professionals during regular work hours must be taken as vacation, personal, sick, or other officially authorized leave time.**3.14**

Paid Time Off

3.14.1 Jury Duty

Permanent employees who are called for jury duty or subpoenaed for an appearance before a court of law, the legislature, or a quasi-judicial board or agency may serve or make such appearance without loss of pay or accrued benefits except in matters of non-work-related personal litigation.

It should be understood that you are given the necessary time off to fulfill this duty in court but that you are expected to return to work if there is sufficient time to do so. Generally, if you are released from court early enough to reach your work site in time to be on duty for three hours or more, you are expected to report to work. If you are subpoenaed or summoned to testify in court, you must provide a copy of the subpoena or summons to your supervisor, and a copy of the subpoena or summons must be attached to the time sheet submitted for any dates you were absent.

Any pay for such service or appearance other than for mileage reimbursement, however, must be remitted to the fund from which the payroll warrant was drawn. Any witness fee that is paid to you should be remitted to the agency just as jury payments are submitted. If you pay by personal check, you should provide a photocopy of the check you received from the court. Your personal check should be made payable to "Illinois Racing Board." Contact your timekeeper for further details.

If you choose to do so, you may use accrued leave balances (vacation or personal leave), to fulfill your jury duty or court appearance and retain the full amount you are paid from this service.

Temporary employees are allowed time off without pay to fulfill jury duty obligations; however, Per Diem employees are allowed time off with pay if the court attendance falls on a day they were previously scheduled to work. If a Per Diem employee is called to appear in court on a scheduled work day, the employee must follow the same procedure as does a permanent employee to report the absence and remit any monies paid to the employee by the court.

3.14.2 Time Off for Professional Examinations

You may use up to three days per calendar year with pay to participate in professional/licensure examinations.

3.14.3 Time Off for Open-Competitive or Promotional Examination

Most merit examinations by the Illinois Department of Central Management Services consist solely on submitting an official employment application followed by an evaluation of education and experience against the approved classification standard. Some examinations are written and/or skill tests. Since these tests are given only on workdays you may have reasonable time off with pay to take performance tests to qualify for promotional grades if you have "bid" on a vacancy with the Illinois Racing Board requiring that you participate successfully in a test. You must use your own time to participate in other merit

examinations and interviews outside of the agency. If you have any questions contact Shared Services or CMS for location and test times.

3.14.4 Time Off to Vote in Elections

The State Election Code provides for up to two hours of excused absence from work on certain election days for you to exercise your right to vote. This right is limited to general or special elections or for any election at which propositions are submitted to a popular vote. You must schedule such time off prior to an election day. Supervisors may specify the hours during which you may be absent. You may choose to take the absence without pay, or you may use accrued personal days or vacation time.

3.15 Upward Mobility Program

The Upward Mobility Program offers a unique opportunity to gain the knowledge needed to advance through the state system. The program is available to all certified AFSCME-represented employees. An employee who is interested in learning more about this program may call the Upward Mobility Hotline at 800-442-1300, TDD# 800-526-0844 or TDD# 217-524-3410 or visit the UMP website on the CMS website: http://www.cms.il.gov/cms/2_servicese_edu/umprgm.htm where you will find information on titles that can be targeted, eligibility, requirements and program policies.

3.16 Leaves of Absence

Leaves may affect state-paid benefits. Check with Shared Services for specifics.

Failure to return to work from a leave of absence within five days of the expiration date for the leave may be grounds for discharge. Leaves of absence based on fraudulent claims will be revoked immediately, and you will be directed to return to work.

3.16.1 General Leave

Your employer may grant leaves of absence without pay for periods not to exceed six months. Such leaves may be extended for good cause for additional six-month periods. General leaves must be approved by the Executive Director of the Illinois Racing Board.

3.16.2 Family Responsibility Leave

"Family Responsibility" for purposes of this Section is defined as the duty or obligation perceived by the employee to provide care, full-time supervision, custody or non-professional treatment for a member of the employee's immediate family or household *under circumstances temporarily inconsistent with uninterrupted employment in State service*. [20 ILCS 415/8c(5)] The "immediate family or household" includes your spouse, parents, sister, brother, child, or any relative or person living in your household for whom you have a custodial responsibility or where such person is financially and emotionally dependant on you.

If you wish to be absent from work in order to meet or fulfill responsibilities arising from your role in your family or as head of household, you will normally, upon request and in the absence of another more appropriate form of leave, be granted a family responsibility leave for a period not to exceed one year. Such requests will not be unreasonably denied. Any request for such leave must be submitted in writing no fewer than 30 calendar days in advance of the leave unless such notice is precluded by emergency conditions. Your written request should state the purpose of leave and the expected duration of the absence. Such leave will be granted only to permanent full-time employees. The Illinois Racing Board will require substantiation or verification upon request. Failure to provide such documents upon request is cause of due notice for termination of leave. Employees in temporary, emergency, provisional, or trainee status will not be granted such leave.

For further information contact Shared Services or your agency Personnel Officer.

3.16.3 Family and Medical Leave Act (FMLA)

If you have been employed by the State for at least 12 months and you have worked at least 1,250 hours during the 12-month period preceding the start of the leave, you are eligible for up to a total of 12 workweeks of unpaid leave during any rolling 12-month period for one or more of the following reasons:

- a. To give birth or care for a newborn child;
- b. Because of the placement of a child, with you, for adoption or foster care;
- c. In order to care for a family member with a "serious health condition";
- d. Because of a "serious health condition" that makes you unable to perform the functions of your job;

- e. Active Duty leave (Qualifying Exigency) of a family member; or
- f. In order to care for a family member injured while on active duty.

Federal law provides for FMLA leaves of absence to be unpaid. However, you may qualify for additional benefits under other state leave policies. If your spouse also works for the state and you both become eligible for a leave under Paragraphs a or b above, or for the care of a sick parent under Paragraph c above, the two of you together will be limited to a combined total of 12 workweeks of leave in any rolling 12-month period for that condition.

The definition of “family” under the FMLA is limited to spouses, parents, children under the age of 18, stepchildren, legal wards, and adult children with severe mental or physical handicaps who are incapable of self-care.

Parent is defined for these purposes as a biological, adoptive, step or foster father or mother or any other individual who stood *in loco parentis* to the employee when the employee was under the age of 18.

Under Paragraphs a or b above son or daughter is defined as a biological, adopted, foster child, a step child, a legal ward, or a child of a person standing *in loco parentis* who is either under age 18 or is and adult child age 18 or older who is incapable of self care because of a mental or physical disability at the time that FMLA leave is to commence.

Under Paragraphs c or d above military son or daughter is defined as a biological, adopted, foster child, step-child, legal ward or a child for whom the employee or service member stood *in loco parentis* and who is of any age.

Coordination with Other Policies

An employee may substitute any accrued paid vacation days, personal leave, or sick leave for unpaid leave under this policy, and any such paid time off must be taken concurrently with your family and medical leave. If you otherwise qualify for disability pay or other leave benefits, you will collect it at the same time you are on family and medical leave. Similarly, if you otherwise qualify for any other type of leave of absence, that leave must be taken concurrently with your family and medical leave.

All time missed from work that qualifies for both family and medical leave, and for worker’s compensation, will be counted toward the employee’s 12 weeks of family and medical leave.

Medical Certification

Any request for a leave under Paragraphs c or d above must be supported by certification issued by the applicable health care provider. You may obtain a certification form from Shared Services.

At its discretion, the state may require a second medical opinion and periodic recertification to support the continuation of leave. If the first and second opinions differ, a third opinion can be obtained from a health care provider jointly approved by both you and your employing agency.

Serious Health Condition

For purposes of this policy, “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- a. Hospital care – inpatient care defined as an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care relating to the same condition (i.e. physical therapy);
- b. Absence plus treatment – a period of incapacity of more than three consecutive full calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves either: 1) treatment two or more times by a health care provider or by a physician's assistant under the direct supervision of a health care provider, or by a provider of health care services under the orders of, or on referral by, a health care provider; or 2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. The 2nd visit for treatment must be within 30 days of incapacity. (Treatment by a health care provider for purposed of “incapacity plus treatment” means an *in-person* visit to a health care provider);
- c. Pregnancy – any period of incapacity due to pregnancy or for prenatal care. A husband may take FMLA time away from work to care for an incapacitated pregnant spouse, and to care for her during her prenatal care if she is incapacitated due to her pregnancy and unable to drive herself to appointments with her health care provider. (Note: only a husband is permitted to take FMLA time *during the pregnancy* to care for the pregnant spouse);
- d. Chronic conditions requiring treatment – a chronic condition which requires visits for treatment by a health care provider *at least twice a year*, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity;
- e. Permanent/long-term conditions requiring supervision – a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider;
- f. Multiple treatments (non-chronic conditions) – any period of absence to receive multiple treatment (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Intermittent Leave

If certified as *medically necessary* for the serious health condition of either you or your family member—leave may be taken on an intermittent or reduced schedule. Medical necessity requires that there is a medical need for the leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. If leave is requested on this basis, however, you may be required to transfer temporarily to an alternative position which better accommodates recurring periods of absence or to a part-time schedule, provided that the position offers equivalent pay base and benefits.

Notification and Reporting Requirements

All requests for leaves of absence must be submitted to your supervisor in writing at least 30 days in advance of the start of leave (except when the leave is due to an emergency or is otherwise not foreseeable). If the employee gives less than 30 days notice, the employer has the right to inquire why it was not practicable to give 30-days notice. The employee is required to provide an explanation. A delay in submitting this request could result in a delay of the start of your leave. Your supervisor will forward the request to the Shared Services - FMLA Coordinator for approval. If your leave request is approved, you will receive notice within five business days (absent extenuating circumstances). If your leave request is denied, you will be notified promptly after that decision is made, and you can reapply in the event the circumstances for the denial have changed. You must also make an effort to schedule a leave so as not to

disrupt business operations. During the leave, you may be required to report periodically on your status and your intention to return to work.

An extension of time for your leave of absence must be requested in writing prior to your scheduled date of return to work unless the need for extension is unforeseeable. You may be required to provide written documentation to support the extension. Your failure to either return to work on the scheduled date of return or to apply in writing for an extension prior to that date may result in discipline up to and including discharge. Employees on leaves for their own serious health conditions must provide fitness-for-duty releases from their health care provider before they will be permitted to return to work. Your maximum time on FMLA leave or absence cannot exceed a total of 12 weeks in a rolling 12-month period.

A FMLA leave of absence will not affect the continuity of your employment. Your original date of employment remains the same for seniority purposes. However, you will not accrue any benefits during the period you are on FMLA leave, except as provided by another leave policy.

Employee Benefits During FMLA Absence

You will be permitted to maintain health insurance coverage for the duration of FMLA leave under the same conditions coverage would have been provided if you had remained actively at work. However, you must make arrangements for the continuation or and payment of your portion of insurance premiums before you go on unpaid leave status. If you do not return to work after the leave or if you fail to pay your portion of the premiums, you will be required in most cases to reimburse the state for premiums paid to insure you during the leave.

Return from an FMLA Absence

Upon return from leave which has extended no longer than a total of 12 work weeks in a rolling 12-month period, you will be restored to the same or to an equivalent position as the one you held when the leave started. Of course, you have no greater right to reinstatement or to other benefits and conditions of employment than if you had been continuously employed during the FMLA leave period. If the leave was due to your own serious health condition, you will be required to submit a fitness-for-duty certification from your health care provider stating that you are able to perform the essential functions of the job. If you fail to return to work at the expiration of your approved family and medical leave, it may result in discipline up to and including discharge.

Certain highly compensated key employees may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to state operation. A “key” employee is a salaried employee who is among the highest paid 10 percent of employees at that location or any location within a 75-mile radius. Employees will be notified of their status as a key employee when applicable after they request a family and medical leave. The state will notify a key employee if it intends to deny restoration to employment upon completion of leave.

An employee shall not be granted FMLA leave of absence for the purpose of seeking or taking employment elsewhere or operating a private business. Unauthorized work while on a leave of absence will result in disciplinary action including discharge.

Active Duty Leave

A spouse, son or daughter, or parent of a covered military member may be eligible for Active Duty Leave. Qualifying Exigencies include short notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities (see explanations below).

An employee can take leave for short notice deployment when a military member is given 7 or less days notice of deployment. The leave is for that period of 7 or less calendar days from the date the service member receives notice.

Military events and related activities include attendance at official ceremonies, programs, or events sponsored by the military that are related to the fact of active duty or the call to active duty. Leave for this reason can be taken to attend family support or assistance programs and information briefings sponsored or promoted by the military, military service organizations, or the Red Cross that are related to active duty.

Childcare and school activities include leave taken to arrange alternative childcare when the active duty status necessitates a change; to provide childcare on an urgent, immediate need basis (not on a regular, routine or daily basis); to enroll or transfer the child in a school; or to attend meetings with school staff when such meetings are necessary due to circumstances arising from the active duty status of a covered military member. The definition of child for “childcare and school activities” is a biological, adopted, foster child, step-child, legal ward or child for whom the covered military member stood *in loco parentis* who is under 18 or 18 and older and incapable of self-care because of a physical or mental disability at the time FMLA leave is to start.

Financial and legal arrangements include leave to make and update wills, financial and healthcare powers of attorney; transfer bank account signature authority; enroll in the Defense Enrollment Eligibility Reporting System; or to act as the covered member’s representative for purposes of obtaining, arranging or appealing military service benefits during active duty and for a period of 90 days following status termination.

Leave for counseling includes leave to attend counseling provided by someone other than a health care provider when the need for counseling arises from the active duty status of the covered military member.

Rest and recuperation includes leave taken in order to spend time with a covered military member who is on short-term, temporary, R & R leave. Employees may take up to 5 days of leave for each instance of R & R.

Post-deployment activities include leave from work to attend arrival ceremonies, reintegration briefings and events, and any other military sponsored program or event within 90 days after the termination of active duty status. Also included is leave to address issues arising from the death of the covered military member while on active duty.

“Additional activities” includes situations where an employer allows the employee to take leave to address “other events which arise out of the covered member’s active duty or call to active duty when they *agree that the event qualifies as an exigency and agree to the timing and duration of such leave.*”

Military Caregiver Leave

Military Caregiver leave is defined as care for a current member of the regular Armed Forces, National Guard, Reserves or a member of those who is on the temporary disability retired list and who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the *temporary*

disability retired list. The purpose for the leave must be related to military service within five years prior to the leave.

Serious injury or illness is defined for this purpose as one that may render the service member medically unfit to perform the duties of his or her office.

Outpatient status is defined for this purpose as the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members receiving outpatient care.

Only the spouse, son or daughter, parent or *next of kin* is eligible to care for an injured or ill service member under Military Caregiver leave. Unless the service member has specifically designated another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under FMLA, the nearest blood relative other than parent or child is considered in the following *order of priority*: blood relatives with court ordered custody; brothers and sisters; grandparents; aunts and uncles; and first cousins. The employer can request reasonable documentation from the service member regarding the employee's designation of the next of kin for purposes of Military Caregiver leave.

Employees eligible for Military Caregiver leave can receive up to 26 weeks in a single 12 month period. Military Caregiver leave is per service member, per injury. The 26 weeks begins on the first day the eligible employee takes Military Caregiver leave and ends 12 months later. The 26 weeks is a combined total under FMLA. Should the employee take other FMLA leave unrelated to Military Caregiver leave during the 12 month period that time will be deducted from the 26 weeks. If a husband and wife are both employed by the State of Illinois and their child is injured, the husband and wife must split the 26 weeks if leave is taken to care for the service member.

There is no "carry-over" of unused FMLA days allowed after the conclusion of 12 months. At the conclusion of the original 12 month period, the employee does *not* receive an additional 26 weeks for the same injury to the same service member.

In the event there is a conflict between this notice and the Family and Medical Leave Act, the Act shall prevail.

3.16.4 Maternity/Paternity and Adoption Leave

All employees who provide proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 4 weeks of paid maternity/paternity leave. The State shall require proof of the birth. Maternity and/or paternity leave shall be limited to 1 leave per family for each pregnancy resulting in birth or multiple births. In addition, non-married male employees may be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity. To pre-certify the pregnancy and qualify for the paid maternity/paternity leave, employees must complete a Certification of Pregnancy and Expected Due Date form and return it to Shared Services

All employees are eligible for 4 weeks of paid leave with a new adoption, with the leave to commence when physical custody of the child or children has been granted to the employee, provided that the employee can show that the formal adoption process is underway. The agency personnel office must be notified and the employee must submit proof that the adoption has been initiated. Adoption leave shall also be limited to 1 leave per adoption.

Employees may take FMLA leave before the actual placement occurs *if an absence from work is required in order for the adoption or foster care to proceed*. If FMLA time is taken prior to placement, the 12 month period in which the employee can take time off to bond does not begin running until placement occurs.

If you wish to extend a leave for maternity or paternity purposes, you may request a general leave of absence or a family responsibility leave of absence, in addition to sick leave, vacation time, or personal leave. Such leave requests are subject to approval in accordance with the requirements for granting such leaves.

For further information contact the agency Personnel Officer or Shared Services.

3.16.5 Disability Leave

In addition to FMLA leave, if you are unable to perform a substantial portion of your regularly assigned duties because of a temporary physical or mental disability, you will - upon request and with proper documentation - be granted a leave for disability.

You must exhaust all available sick benefit time before you will be placed on non-service related disability leave. You must furnish a doctor's statement showing the diagnosis, prognosis, and expected duration of the disability. You may be required to provide additional documentation of your condition every 30 days. Failure to provide verification of continued disability may be cause for termination of your leave and may result in disciplinary action.

You are responsible for contacting the State Employees' Retirement System (SERS) for disability benefits.

3.16.6 Leave for Annual Military Training

Any full-time employee who is a member of a reserve component of the United States Armed Forces, the Illinois National Guard, or the Illinois Naval Militia will be allowed annual leave with pay to fulfill military reserve obligations. Such leaves will be granted without loss of seniority or other accrued benefits. You must furnish a copy of your military orders to the Administrative Services Division in a timely manner, since it is necessary for a leave-of-absence form to be processed for all military leave including annual training.

In the case of an emergency call-up (or ordered to state active duty) by the governor, leave will be granted for the duration of the emergency with pay and without loss of seniority or other accrued benefits. Military earnings for the emergency call-up period paid under the Illinois Military Code must be submitted and assigned to the employing agency, which will return it to the payroll fund from which the paycheck was drawn. If military pay exceeds your earnings for the period, the difference will be returned to you.

A full-time permanent employee who is a member of any reserve component of the United States Armed Forces or any reserve component of the Illinois State Militia will be granted leave from state employment for any period spent in active-duty militia service. This includes basic training, special training, or advanced training—whether or not within the state, and whether or not voluntary.

Due to the complexity of issues relating to compensation during periods of military service, please check with Shared Services or the agency Personnel Officer for further information.

3.16.7 Leave for Military Physical Examinations

Any permanent employee who is drafted into military service or is a member of a reserve component of the United States Armed Forces, Illinois National Guard, or Illinois Naval Militia will be allowed up to three days' leave with pay to take a physical examination required by that employee's military institution. Upon request, you must provide the department with certification by a responsible authority that the period of leave was actually used for such purpose.

3.16.8 Child Care Leave

You may be granted a leave of absence without pay for a period not to exceed six months for the purpose of child care in situations in which your care of the child is required to avoid unusual disturbances in the child's life. Such leave may be extended for good cause by the employer for additional six-month periods.

3.16.9 Leave to Accept Exempt Position

The Executive Director may approve a leave for certified employees who accept appointment to positions exempt from certain provisions of the state Personnel Code. Such leave for absence may be granted for a period of one year or less and may be extended for additional one-year periods.

3.17 Work-Related Injuries

An employee who is injured due to an accident or contracts any disease arising out of and in the course of employment shall be entitled to certain workers' compensation benefits including wage replacement and the cost of all reasonable and necessary medical, hospital and surgical expenses when applicable. The Illinois Workers' Compensation Act states that an employee must notify the employer within 45 days to protect his/her rights under the Act.

In the event of injury, the employee must take specific actions to protect his/her rights and obtain benefits to which he/she may be entitled. The employee must notify his/her supervisor immediately, call the Early Intervention Vendor (800/773-3221 or TDD# 800-526-0844) and report the incident, promptly seek proper medical care and complete certain paperwork as soon as medically possible. The employee is responsible for completing a packet consisting of four forms:

Employee's Notice of Injury Form
Information Release Authorization
Initial Workers' Compensation Medical Report
Workers' Compensation Witness Reports(s)

The Medical Report Form should be submitted with other required documents to the agency workers' compensation coordinator.

The supervisor is also responsible for the completion of two documents:

Supervisor's Report of Accident
Demands of the Job Form

The supervisor must submit the Report of Accident Form within 24 hours of notification by the injured employee to the Workers' Compensation Coordinator. The supervisor shall assume the responsibility to call the Early Intervention Vendor (800/773-3221 or TDD# 800-526-0844) and report the incident, should the employee be physically unable to make direct contact.

Paperwork shall be sent to the appropriate workers' compensation coordinator for routing to the Division of Risk Management.

An employee who is entitled to Workers' Compensation Benefits shall be allowed full pay for the first three/five working days of absence (dependent upon employee being subject to Personnel Rules or a union agreement) without utilization of any accumulated sick leave or other leaves.

These days are provided only if the claim is ruled compensable and medical documentation requires time off to recover from the injury/illness.

For absences beyond three/five days, an employee may elect to use his/her own sick time or be placed on Total Temporary Disability Benefits (workers' comp payroll). If the employee uses sick time and subsequently requests Temporary Total Disability Benefits for the same period, he/she must buy back the sick time used if the claim is approved for payment by the Division of Risk Management. A statement to this effect, which will be provided by the coordinator, must be signed.

3.18 Sexual Harassment

Statement of Racing Board Policy

The Illinois Racing Board (“Board”) is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. Any employee’s behavior that fits the definition of sexual harassment is a form of misconduct which may result in disciplinary action. Sexual harassment could also subject the Board, and in some cases, an individual to civil penalties.

Each Board employee bears the responsibility to refrain from sexual harassment in the workplace. No employee should be subjected to unsolicited or unwelcome sexual overtures or conduct in the workplace. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from sexual harassment. All forms of discrimination and conduct which can be considered harassing, coercive or disruptive, or which create a hostile or offensive environment must be eliminated. Instances of sexual harassment must be investigated in a prompt and efficient manner.

All Board employees are expected to become familiar with the contents of this Policy and to abide by the requirements it establishes.

Definition of Sexual Harassment

The Illinois Human Rights Act, defines sexual harassment as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

The Courts have determined that sexual harassment is a form of discrimination under Title VII of the Civil Rights Act of 1964, as amended in 1991.

One such example is a case where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or provides sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive and employment opportunity.

Various forms of conduct can be considered sexual harassment including, but not limited to:

Verbal: sexual innuendos, suggestive comments, insults, humor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees of a sexual nature (even outside their presence);

Non-verbal: suggestive or insulting sounds (i.e. wolf whistles), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls,” or kissing noises;

Visual: posters, signs, pin-ups or slogans of a sexual nature; and

Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment is not limited to men harassing women. It can also include women harassing men and harassment between individuals of the same gender.

The most severe and overt forms of sexual harassment are easier to determine. Some sexual harassment is more subtle and depends to some extent on individual perception and interpretation. The trend in the Courts is to assess sexual harassment by a standard of what would offend a “reasonable woman” or a “reasonable man,” depending on the gender of the alleged victim.

Subtle forms of sexual harassment include the use of “terms of endearment” like “honey,” “darling,” or “sweetheart,” which many women find objectionable, because the use of endearments can undermine their authority and their ability to deal with men on an equal and professional level.

Board employees should err on the side of caution to avoid allegations of sexual harassment.

Responsibility of Individual Employees

Each individual Board employee has the responsibility to refrain from sexual harassment in the workplace.

An individual who sexually harasses a fellow worker is liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including discharge in accordance with departmental policy or a bargaining agreement, as appropriate.

Responsibility of Supervisory Personnel

Each supervisor is responsible for maintaining a workplace free from sexual harassment. This is accomplished by promoting a professional environment and by addressing sexual harassment and any other forms of employee misconduct.

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint with seriousness, take prompt action to investigate it, report it, end it, and implement appropriate disciplinary action, while observing strict confidentiality. This procedure must be followed even in cases where an employee tells the supervisor about behavior that constitutes sexual harassment but does not want to make a formal complaint.

In addition, supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

The Board’s Equal Employment Opportunity (EEO) Officer is available to consult with supervisors on the proper procedures to follow.

Procedures for Filing a Complaint

An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the

supervisor and/or EEO/AA Officer and offending employee. It is not necessary for sexual harassment to be directed at the person making the complaint.

The following steps may also be taken: document or record each incident (i.e. what was said or done, date, time, place, etc.). Documentation can be strengthened by written records such as letters, notes, memos, and telephone messages.

No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. Nor will any witness be retaliated against.

The process for making a complaint about sexual harassment falls into several stages:

1. Direct Communication. If there is sexual harassment behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial request may be verbal. If subsequent requests are needed they should be put in writing in a note or memo.
2. Contact with supervisory Personnel. The harassed employee should also promptly report the situation to his/her immediate supervisor and/or the EEO/AA Officer. If the harasser is the immediate supervisor, the situation should be reported to the EEO/AA Officer.
3. Formal Written Complaint. An employee may also report incidents of sexual harassment directly to the EEO/AA Officer. The EEO/AA Officer will begin the investigation process in a timely manner. If it is first reported to the supervisor, the supervisor will notify the EEO/AA Officer, who will in turn conduct the investigation.

Upon completion of the investigation, the EEO/AA Officer will make a recommendation to the Executive Director. If an investigation reveals that sexual harassment has occurred, appropriate disciplinary action will be taken against the offender.

4. Resolution Outside Department. It is hoped that most sexual harassment complaints can be resolved within the Board. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (US EEOC). A charge with the IDHR must be filed within 180 days of the incident of sexual harassment. A charge with the US EEOC must be filed within 300 days of the incident.

An employee who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with the IDHR or the US EEOC may file a retaliation charge. For the IDHR the retaliation charge must be filed within 180 days and for the US EEOC the deadline is 300 days.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

False and Frivolous Complaints

False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. **Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.**

3.19 Equal Employment Opportunity/Affirmative Action

The Illinois Racing Board is an equal opportunity employer. Decisions regarding the recruitment, hiring, training, promotion, and layoff of and the awarding of benefits to an employee will be made without regard to non-merit factors including, but not limited to, race, color, religion, sex, sexual orientation, national origin, handicapped condition or age, except when it is necessary to implement the Affirmative Action Program, or when it is a bona fide job qualification.

Retaliation against any employee who exercises his or her right to file a complaint against Central Management Services for alleged discrimination is forbidden.

All executive, managerial, and supervisory staff is expected to support and aid in the implementation of this policy.

If an employee has any question or wants to file a complaint, the agency Equal Employment Officer should be contacted.

3.20 Americans with Disabilities Act

It is the policy of the Illinois Racing Board not to discriminate against qualified individuals with a disability because of their disability in regard to recruitment, hiring, training, promotion, transfer, or other terms and conditions of employment.

An individual with a disability is defined as:

A person who has a physical or mental impairment that substantially limits one or more major life activities (such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning to care for oneself and working);

A person who has a record of such an impairment; or,

A person who is regarded as having such an impairment.

Substantially limits means:

Unable to perform a major life activity that the average person in the general population can perform; or,

Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

A qualified individual with a disability is a person who, with or without accommodation, can perform the essential functions of the job in question.

Illinois Racing Board employees with disabilities have the right to request reasonable accommodations in connection with their jobs. To initiate a request, an employee should contact his or her supervisor, or may visit the Board's website under Employee Services to view the Board's Reasonable Accommodation policy and procedures.

Undue Hardship and Direct Threat

An employer is not required to provide an accommodation that will impose an undue hardship (i.e., costly, extensive, substantial or disruptive or would fundamentally alter the operation of the business) or where a direct threat would be present.

3.21 Compensation/Benefits

3.21.1 Salary

Your salary is governed by a pay plan administered by the Illinois Department of Central Management Services. Employees are normally covered under either the Schedule of Salary Grades, the Merit Compensation System, or negotiated rates.

Under the Merit Compensation System, each range consists of a minimum, a midpoint, and a maximum rate of pay. Employees are rated annually, and the amount of salary increase is determined by their level of performance.

Negotiated rates are those salary ranges or specific rates determined through collective bargaining. You should refer to the specific contract covering your position.

3.21.2 Paydays

Each month consists of two pay periods and two corresponding paydays. Payment for the period from the first day of the month through the 15th day of the month will be issued on approximately the 28th day of the same month. Payment for the period from the 16th day of the month through the end of the month will be issued on approximately the 13th day of the following month. Although pay days are the same for per diem employees, the pay period may differ by a day due to payroll deadlines.

Individuals who begin permanent employment with the department are required to enroll in electronic direct deposit, which deposits pay checks directly into their bank account. Forms are available from Shared Services for employees who need to make changes in their direct deposit. Forms are available on the Board's website under Employee Services.

A list of scheduled pay dates is established by the comptroller and distributed annually; the list may also be obtained from Shared Services or the agency's Timekeeper.

Federal and state withholding taxes, Social Security taxes, employee health and dental insurance, and any applicable contributions to the State Employees' Retirement System are deducted automatically from your salary.

3.21.3 Payroll Deductions

At your direction, deductions can also be made for the purchase of U.S. savings bonds; premiums for group health, life, and dental insurance for your dependents; deferred compensation; dependent care; dues for certain employee organizations; contributions to charity drives approved by the state; and allocations to credit unions. The agency is also obligated to make any deductions ordered by a court of law for the garnishment or wages or for taxes levied.

3.21.4 Deferred Compensation Plan

The State Employees' Deferred Compensation Plan allows you to request that a portion of your salary be invested in a choice of investment programs. Federal income taxes are deferred on both the salary invested through the plan and investment earnings. Contributions and earnings are completely exempt from state income tax, even at time of distribution.

The program provides a tax-deferred retirement account. For more details, contact Shared Services.

3.21.5 Flexible Spending Account

Employees are eligible to participate in both the Department Care Assistance Plan and the Medical Care Assistance Plan. These programs allow you to pay for care on your dependents and health care costs for yourself and your dependents with pre-tax dollars from a flexible spending account. If you are interested in further information on either one of these programs contact Shared Services for information.

3.21.6 Insurance

All state employees working full-time, except temporary and emergency employees, are eligible for employer-sponsored medical, dental, and life insurance under the State Employees' Group Insurance Program. Participation in the Group Insurance Program is optional for employees working on a part-time basis. Insurance coverage for student workers in a four-year trainee program may also be available after serving a six-month qualifying period. Students should contact Shared Services for details.

To be considered a full-time employee, you must work 260 days in the previous calendar year. Per diem employees who do not work 260 days/shifts may qualify for pro-rated health insurance benefits pursuant to the collective bargaining agreement.

You may also have the option to purchase additional life insurance for yourself and eligible dependents. Information, forms, and assistance can be obtained from Shared Services.

The State Employees' Group Insurance Program is coordinated with Medicare and Medicaid programs for agency employees who qualify for these benefits. These programs generally cover persons of age 65 and older and reduce premiums for state group insurance coverage at the time of retirement.

Copies of the insurance handbooks are provided to you when you are enrolled. It is important to read these books to become familiar with the insurance provisions. If you have any questions, contact Shared Services for assistance.

3.21.7 Retirement Benefits

Information about retirement benefits can be found in the State Retirement Handbook sent to members by the Retirement System after serving a six-month qualifying period. To receive answers to detailed questions write to:

State Employees' Retirement System

2101 South Veterans Parkway
Springfield, IL 62794-9255

The State Employees' Retirement System could also be reached at 217-785-7444.

3.22 Implementation of Personnel Policies under Section 5.5 of the State Officials and Employee Ethics Act.

Except as otherwise set forth in a policy issued by the Office of the Governor:

Work Time Requirements and Timesheets

Employees shall comply with the work time and timekeeping requirements set forth in Chapter 3 of this Handbook and all applicable laws, statutes, administrative rules and policies.

Documentation for Reimbursement for Travel on Official State Business

Reimbursement for travel on Official State Business will be made in accordance with Section 5 of this Handbook and the rules and policies of the Travel Control Council and the Travel Control Rules.

Compensation and Benefits

Salary, wage and benefits packages will be determined in accordance with applicable laws, statutes, administrative rules, collective bargaining agreements, and as set forth in this Policy Manual.

Section 4 Policy Rules

4.1 Employee Organizations

By state law, employees have the right to voluntarily form, join, and assist an employee organization or to refrain from such activity. Union literature may be distributed during an employee's **non-working** hours to other nonworking employees in non-work areas and in work areas during **non-working** hours. In the case of staggered work schedules where distribution will be disruptive; literature must be carried out while the largest numbers of employees are on rest, meal periods, or nonworking time.

4.2 Internal Communications

Bulletin boards restricted to specific purposes or for use by certain parties are located throughout the agency. Boards are available for use by both employees and management and should be reviewed frequently for official information and announcements.

Each item should pertain to the specific purpose of the bulletin board on which it is to be posted and should be dated. Posting of defamatory, obscene, or offensive material on department premises is prohibited. Objects will subsequently be removed and will result in disciplinary action.

Notices of services, information about items for sale, or personal announcements may be posted but only on bulletin boards designated specifically for such information. The agency reserves the right to clear all bulletin boards periodically.

4.3 Assaults On, Threats To, or Forcible Interference with Employees

You must report to the Executive Director all assaults on, threats to, or forcible interference with you in the course of your official duties and all assaults on or threats against members of your family when intended to impede the performance of your official duties.

4.4 Bribery

A bribe is an offer to give something of value with the intention that the recipient will fail to discharge his or her duties properly. Such an offer made to an employee of the agency is a criminal offense punishable by fine and imprisonment.

Bribes are often offered in an indirect fashion. You must be perceptive and alert in recognizing bribe overtures and must promptly report them so that trained personnel can evaluate the facts and investigate when warranted. If you have reasonable grounds to believe that an attempt to bribe has been or will be made you have the duty to:

- avoid any statement or implication that the bribe will or will not be accepted and try to leave the matter open,

- report the matter immediately to your supervisor and the Ethics Officer,
- submit in writing the full circumstances concerning the matter,
- cooperate fully in any ensuing investigation, and
- avoid any unnecessary discussions involving the case.

4.5 Lawsuits

If you are sued civilly or charged with a violation of local, state, or federal laws as a result of performing your official duties, you must promptly report such matters through supervisory channels to permit timely official determination of a proper course of action in the interest of the state and the employees concerned.

You must immediately notify the Legal Division when subpoenaed or otherwise called to testify or appear in a legal proceeding related to your official duties.

4.6 Bomb Threats

An employee who receives a bomb threat by telephone shall report the call immediately to the following:

JRTC Police, Chicago 312-814-6666

An employee working in buildings other than the James R. Thompson Center should call local police, where appropriate, as well as the security office of the facility at which they are located.

The employee should remain available until law enforcement personnel have had an opportunity to interview him or her.

The employee should keep the caller on the line as long as possible. Ask the caller to repeat the message and write it verbatim if possible. If the caller does not indicate the location of the bomb or the time of detonation, ask for this information specifically. Inform the caller that the building is occupied and the explosion could cause death or serious injury to many innocent persons. Listen for background noises, such as motors running, music, traffic noise, or any other sounds which might indicate the location of the caller. Try to identify the caller as male or female, determine the voice quality such as calm or excited, any accent or speech impediment, or any other means to help identify the caller. No one should touch or attempt to move any suspicious object. Report its location and description to the person designated to receive this information.

In the event a building is evacuated, employees should leave immediately and not delay to gather personal effects other than hats and coats. No employee should do anything to cause panic of other employees, either in seriousness or in jest. Any employee doing so is subject to discipline.

Instructions will be given for employees to report to another facility or to stand by to return to the work site after the search is complete. Any employee who fails to follow instructions, who leaves the work site without permission and fails to return to work, or who impedes any evacuation or investigation, or makes such a threat, is subject to discipline up to and including discharge.

Making malicious threats about bombs or other dangerous devices or making false reports of fires is a criminal offense punishable by fine and/or imprisonment and may result in discharge.

4.7 Ethics Act

All Board members and employees are subject to the provisions of the Ethics Act, see the “Illinois Governmental Ethics Act” (5 ILCS 420/1 *et seq.*) and the “State Officials and Employees Ethics Act” (5 ILCS 430/1 *et seq.*).

If you have an ethics inquiry, please speak to your Ethics Officer. For more information you can also check the website of the Executive Ethics Commission: <http://www.eec.illinois.gov/>

If you are aware of employee misconduct that violates the Ethics Act, inform your supervisor and/or your Ethics Officer. Employees who report violations of the Ethics Act are protected from retaliation.

Although there are many rules contained within the Ethics Act and state employees are subject to **all** the restrictions contained therein, the following areas are most likely to arise: Ethics Training, the Gift Ban, the Revolving Door Act, and Prohibited Political Activity.

4.7.1 Ethics Training (5 ILCS 430/5-10)

All state employees and Board members are required to participate in annual ethics training. Your Ethics Officer will notify you in advance of the start of the annual training period. An employee on leave during the annual ethics training for the Racing Board will be expected to participate in training upon his or her return.

New state employees or Board members will be required to participate in ethics training within 30 days of the start of his or her employment or term.

Satisfactory completion of ethics training is a requirement of your employment. Failure to complete your ethics training will be reported to the Office of the Executive Inspector General of Illinois and will be grounds for discipline up to and including discharge.

4.7.2 The Gift Ban (5 ILCS 430/10)

- The 1st inquiry should always be “Is it a gift?” Gifts are basically anything with monetary value whether it is a tangible item (i.e. cash or a fruit basket) or intangible (i.e. hospitality or entertainment).
- The 2nd inquiry is, “Did it come from a prohibited source?” Prohibited sources include those wanting to do business with the state; those engaged in activities regulated by the state; and those having interests that may be affected by recipient, and lobbyists.
- The 3rd inquiry is, “Does the gift qualify as an exception under 5 ILCS 430/10-15?” Exceptions include, but are not limited to, gifts from relatives or friends; food or refreshments worth less than \$75 per day, and not to exceed \$250 annually; and travel expenses for a meeting to discuss State business.
- There is also an exception for gifts from one prohibited source with a cumulative value of less than \$100 during any calendar year.
- There may be legislation in the future reducing the meal and gift allowances. If a change is made to the Gift Ban, the new rules will apply to the Racing Board members and employees.
- If you receive a gift from a prohibited source that is over \$100 and does not fit another exception you should either immediately return it to the sender or donate an amount equal to the value of the gift to a 501(c)(3) charity. Either way you must document the gift and your response to it and provide the documentation to your Ethics Officer.

- If you receive a gift worth \$125 you cannot make it okay by donating only \$25 to a charity. You must make a donation equal to the entire value of the gift, not just the value over \$100.
- Appearances matter. Even if a gift meets an exception, if it could appear to undermine your credibility or integrity to the public you should return it.

4.7.3 The Revolving Door Prohibitions (5 ILCS 430/5-45)

- State officers and their immediate family members living with them cannot accept employment/compensation for **one year after leaving State employment**, from any person or entity directly affected by decisions made by the state officer or employee.
- Some state employees and former employees (or their spouses or immediate family members) are not only prohibited from accepting certain non-state employment or compensation offers, but are also required by law to formally notify the appropriate state inspector general of all such non-state employment offers.
- The website for the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) provides an explanation of these restrictions and notification requirements, and provides instructions and forms for notifying the OEIG, when necessary: <http://inspectorgeneral.il.gov/revolving.htm>
- The Procurement Code Revolving Door Prohibition applies to procurement and purchasing officers who have worked as such for at least six months. It states that those persons may not engage in procurement activity with their former agency for **two years** after leaving state employ (30 ILCS 500/50-30).
- If you are leaving state employment, contact your Ethics Officer with any questions regarding which Revolving Door policies apply to you.

4.7.4 Prohibited Political Activity (5 ILCS 430/1-5)

Agency employees are subject to Illinois law governing political activities by state employees. The law prohibits state employees whose employment or tenure is subject to recognized merit principles of public employment from the following activities *while on official duty* (this limitation usually refers to normal working hours). Employees may be subject to disciplinary action up to and including discharge for activities including:

- assisting at the polls on behalf of any party or party-designated candidate on election day;
- participating in the organization of any political meeting;
- soliciting money for political purposes;
- initiating or circulating petitions on behalf of a candidate for political office or on behalf of a political issue;
- making contributions of money on behalf of a candidate for political office or on behalf of a political issue;
- selling or distributing tickets for political meetings;
- using or threatening to use the influence or authority of your position to persuade any person to follow any course of political action; and
- distributing campaign literature or material on behalf of any candidate.

Use of State resources (copying, e-mailing, Blackberries, etc.) for political activity is expressly prohibited regardless of when the activity occurs (on or off-duty).

Contact the agency's Ethics Officer with any questions about political activity.

4.8 Conflicts of Interest

The following definitions apply to this section:

Family member – husband, wife, brother, sister, parent or child.

Household member – any individual residing with the employee or at the residence of the employee.

Licensee – any individual or organization that holds a license issued by the Illinois Racing Board. The prohibitions tied to licensees extend to the parent companies, subsidiaries, and employees of licensees.

A conflict of interest occurs when an employee's private interest, usually of a personal, financial, or beneficial nature, conflicts or appears to conflict with public duties and responsibilities. ***Any conduct that would lead a reasonable person knowing all the circumstances to a conclusion that you might be biased is considered unacceptable.*** If you allow the appearance of bias on your part to be created in any situation, you will be subject to disciplinary action, up to and including discharge. You must disqualify yourself from dealing with the matter in question. Here are some guidelines to help avoid conflicts of interests:

- Do not accept or agree to accept any form of compensation or consideration other than your salary from the agency for any services you render as part of your job.
- If you have a financial or beneficial interest in any entity that does business with the state, you should not participate on a private basis in any transaction by that entity with any governmental body; make use of or disclose official information not available to the general public; or provide assistance that would give the entity any type of unfair advantage in the conduct of its business.
- Do not directly or indirectly solicit, accept, or agree, for yourself, another person, or an entity, anything of value to influence you in the performance of your job or to create the opportunity for the commission of fraud against the state.
- Do not imply or allow to be inferred that you represent the agency or the state in any situation that is not related to your official duties.
- Do not show through word or action any preferential attitude or treatment to any person, group, or other entity in performing your official duties.
- Do not refer an applicant, licensee, or key person to an attorney, accountant, tax practitioner, or firm by name or implication in connection with any official business involving the agency.
- You must refrain from participating on a private basis, directly or indirectly, in any financial transaction if your private interests are or may reasonably be expected or construed to be in conflict with your official duties.
- No employee, or family or household member of an employee may hold a license issued by the Illinois Racing Board.
- No employee, or family or household member of an employee shall have a financial interest in any Racing Board licensee (occupational, organizational or otherwise). A financial interest includes but is not limited to employment by or transactions with a licensee, or employment or transactions that provide a benefit to a licensee.
- Relationships with licensees that are, or create the appearance of a conflict of interest, will result in discipline up to and including discharge.

Inappropriate relationships with licensees will not be tolerated and will result in discipline up to and including discharge. *Inappropriate relationships under this section are those that are unprofessional in nature. They will typically be personal relationships that threaten the impartiality of the employee.* If you are unsure as to whether or not a relationship might fall under this section, please contact the Ethics Officer.

For additional guidance in avoiding conflicts of interest see the section entitled "Self-disqualification from certain assignments". You may also contact the Board's Ethics Officer should you have questions whether a present or possible situation poses a conflict of interest.

Additional restrictions apply to any employee, spouse, or minor child of any employee who receives compensation for state employment exceeding 60 percent of the salary of the governor. Such persons are prohibited from acquiring any contract or interest in a contract that will be paid for in part by funds appropriated by the General Assembly, the Capital Development Board, or the Illinois Toll Highway Authority. This prohibition applies regardless of whether the contract is in any way related to the employee's duties as an agency employee. Businesses in which you have a significant interest are also subject to these restrictions. The governor, or an ethics board designated by the governor, may waive these restrictions if the waiver is in the best interest of the state.

These guidelines are designed to help you avoid conflicts of interest. In summary, you should have nothing to do with the administration of a matter in which you have a financial, personal, or beneficial interest. If a situation arises that reasonably could be considered a potential conflict of interest or if you have concerns about a specific contract or waiver, you should contact the agency Ethics Officer. Failure to comply with the provisions of this rule on conflict of interest may result in immediate dismissal.

Self-disqualification from Certain Assignments

When you have received an assignment concerning a person acting as principal or agent with whom you have had social, business, or other relationships of a nature that might impair or give the appearance of impairing your impartiality or independence, you must discuss this matter with your immediate supervisor to consider whether you should be reassigned. This rule applies particularly to assignments involving investigations or any other matters at issue between any applicant, licensee, key person, the public and the agency.

4.8.1 Statement of Economic Interests—Secretary of State

The Illinois Government Ethics Act requires some employees to file an annual Statement of Economic Interests. This statement must be filed with the Office of the Secretary of State, Index Department, no later than May 1st of each year.

Employees with job responsibilities meeting the following criteria are required to file a Statement of Economic Interests if they:

- are, or function as, the head of a department, commission, board, division, authority, or other administrative unit within the government of this state—or they exercise similar authority within the government of this state,
- have direct supervisory authority over, or direct responsibility for formulating, negotiating, issuing, or executing contracts entered into by the state in the amount of \$5000 or more,
- have authority for issuing or promulgating rules and regulations within the area under the authority of the state,
- have authority for approving professional licenses,
- have responsibility with respect to the financial inspection of regulated non-governmental entities,
- adjudicate, arbitrate, or decide any judicial or administrative proceeding—or review the adjudication, arbitration, or decision of any judicial or administrative proceeding within the authority of the state, or
- have supervisory responsibility for 20 or more employees of the state.

If you meet any of the filing requirements, your name is certified by the Personnel Office to the Office of the Secretary of State. You are notified directly by the Office of the Secretary of State on an annual basis of your filing requirement by the statutory deadline. The agency's Ethics Officer is required by Executive Order Number 6 to review the statement prior to submission to the Office of the Secretary of State. The department may issue additional directions as necessary to comply with the requirements of the Executive Order.

The agency attempts to identify every employee who should complete and file the Statement of Economic Interests with the Office of the Secretary of State. However, if you do not receive a form and have reason to believe that you should be completing the disclosure statement contact the Ethics Officer. Under state law, it is your responsibility to complete the Statement of Economic Interests. For additional information contact the Ethics Officer.

4.8.2 Outside Employment

Because of the sensitive nature of the agency's job and the importance of maintaining public trust in the agency's integrity, there are some restrictions on employees accepting outside employment.

You must obtain permission prior to accepting any outside employment. This requirement applies to all employees who now hold outside jobs as well as those contemplating outside employment. Only the Executive Director can grant permission for outside employment; permission will be revoked if the outside employment impairs, interferes, or conflicts with your official duties.

An employee granted permission for outside employment is prohibited from conducting any business or performing any duties including solicitation related to this outside employment on premises owned or used by the agency. The employee also is prohibited from any personal or outside business use of any state owned or leased materials, equipment, or facilities. The activity of distributing catalogs, taking orders, receiving payment, and delivering the product to Illinois Racing Board facilities clearly falls into the area of prohibited activity when relating to outside employment. Engaging in activity of sponsoring or hosting a "silent party" and receiving gifts or merchandise in lieu of cash as compensation for effort is also prohibited if conducted on state premises or on state time.

If you desire outside employment, you must complete an Application for Approval of Outside Employment which is available from the Administrative Services Division or your Personnel Officer. You should submit the completed application to your non-bargaining unit supervisor, who will make a preliminary determination whether the outside employment or responsibility would appear to conflict with your departmental duties. In such a case, your supervisor may recommend denial of the request. Reasons for such a recommendation will be provided in writing and will relate only to your official duties.

After being reviewed by your supervisor, the application will be forwarded to the Executive Director for approval. The decision will be made without any undue delay. A copy will be returned to you stating whether the request was approved or denied. If denied, the reason will be based upon the unique requirements of your position and not your pay grade, title, or classification. An activity that is permissible for an employee having one classification or position may be prohibited for an employee having another classification or position.

Employees will not be excused from mandatory overtime or other non-normal working hours of their agency job because of outside employment. If there are any changes in the information on the original

application for which you have been granted outside employment, you must immediately notify your supervisor in writing.

Employees who seek to operate a proprietorship or participate in partnerships or group business enterprises or to perform as a director or corporate officer or any profit motivated corporation, business enterprise, building and loan association, or banking or credit institution also must submit an Application for Approval for Outside Employment form.

All approved applications for outside employment will be valid for 24 months from the date of approval by the Executive Director. It is the responsibility of the employee for timely re-submittals.

You do not need to submit an application to serve as a volunteer, an officer, or a director of a non-profit organization such as a civic, fraternal, religious, educational, veterans, social, community, or charitable organization. An employee serving as an officer in a union representing agency employees does not have to file an application for that position.

4.9 Travel

4.9.1 Travel Regulations

Some agency employees may be required to travel to accomplish their assigned duties. The Illinois Department of Central Management Services publishes a booklet entitled *A Travel Guide for State of Illinois Employees*, which may be obtained from the Central Management Services website at: http://www.cms.il.gov/cms/2_servicese_oth/trvlguid.htm.

If you will be traveling during the course of your duties, you should familiarize yourself with the contents of this publication. Failure to comply with the travel regulations may result in disciplinary action and/or refusal in whole or part of reimbursement of travel expenditures.

4.9.2 Vehicle Insurance

Illinois statutes require any individual driving a private vehicle for state business to have insurance in the following minimum amounts:

- \$20,000 bodily injury to or death of one person in any one accident,
- \$40,000 bodily injury to or death of two or more persons in any one accident,
- \$15,000 for property damage, or
- a bond filed with the Office of the Secretary of State as proof of financial responsibility

If an accident occurs involving a private vehicle while it is being used for state business, your insurance policy is the primary coverage source and it is your responsibility to ensure that the minimum required coverage is maintained. Liability amounts in excess of this primary coverage will be the responsibility of Illinois state government.

The State of Illinois self insures its automobile liability exposure resulting from motor vehicle accidents when state employees operate state owned or leased vehicles in the course of their employment. There is no coverage provided to state employees if they operate a state owned vehicle outside of the course of their employment.

An employee involved in a motor vehicle accident in a state owned vehicle is required to provide a written report, in a prescribed format, within seven calendar days to the Department of Central Management Services at the following address:

Department of Central Management Services
Risk Management Division, Auto Liability Program
201 E. Madison, Suite 3C
P.O. Box 19208
Springfield, IL 62794-9208

Telephone numbers: (217) 782-0202 or toll-free, 1-800-442-1300 extension 4.

The following forms are required by CMS: the Auto Liability Uniform Cover Letter, the Auto Liability Transmittal Sheet, and an Illinois Motorist Report. Links to these forms and more information can be found at CMS's website: http://www.cms.il.gov/cms/2_servicese_ben/autoliab.htm

Drivers of any vehicle (whether privately owned, state owned, or leased) must have a valid driver's license.

4.9.3 State Charge Card Usage

In accordance with the governor's Travel Control Board, the agency may provide employees who travel on state business with a charge card. You may use the card to pay for transportation, lodging, meals, and other related travel expenses while in travel status on authorized state business. You will be reimbursed for travel expenses within the allowable limits. Each cardholder is responsible for prompt payment of his or her bill.

The agency reviews travel activity reports for guideline discrepancies or questionable charges. Misuse of state charge cards may result in cancellation of cards or disciplinary action up to and including discharge.

Section 5 Use of State Property

5.1 Accountability for Money and Property

Any money, property, or other items of value that you receive or that come into your custody in connection with the discharge of your duties must be accounted for, deposited, or otherwise taken care of in accordance with established laws and procedures.

5.2 Loss or Damage of Official Records and Property

You should report promptly to your supervisor the loss of any state property, including, but not limited to: credentials, badges, credit cards, travel requests, laptops, cell phones, or receipts. You also must report the loss or damage of any official records or documents. Damage to state equipment such as automobiles or office machines must also be reported.

5.3 State Property and Facilities

You are forbidden to use state time, property, or facilities, including equipment and supplies, for personal business. You have a responsibility to protect and conserve all state property, including equipment and supplies entrusted or issued to you. You may be financially liable for damage, destruction, or loss of state property or facilities resulting from unauthorized use or negligence. Damage to or destruction of state property may result in prosecution and/or disciplinary action.

5.3.1 Telephone Usage

The state utilizes a measured service billing system. In accordance with the Illinois Administrative Code, the Illinois Racing Board's policy is as follows:

The intent of this policy is to permit state employees to make reasonable use of state telephone systems and to guard against telephone abuse. The use of state telephone services is limited to official business. Official business calls include emergency calls and calls that are for the best interest of the state. A call may be considered as authorized and in the best interest of the state if it meets the following criteria:

- It does not adversely affect the performance of official duties by the employee or the employee's organization.
- It is of reasonable duration and frequency.
- It could not have reasonably been made during non-work hours.

Examples of circumstances that fall under the above guidelines include, but are not limited to, the following:

- You are required to work overtime without advance notice and call within the local commuting area (the area from which you regularly commute) to advise your family of the change in schedule or to make alternate transportation or child care arrangements.
 - You make a brief call to locations within the local commuting area to speak to a spouse, child, or elderly parent.

- You make brief calls within the local commuting area to parties that can be reached only during working hours (local government agency or physician).
- You make brief calls to locations within the local commuting area to arrange for emergency repairs to your residence or automobile.
- While on official business, you make a call of three minutes or less to announce a safe arrival, a delay, or a change in plans. The agency may request written confirmation from you that a call qualifies under this section.

Personal calls that *must* be made during work hours may be made if the call falls under the guidelines above but is not representative of the examples given above and,

- it is charged to the employee's home phone number or other nongovernment number,
- it is made to an "800, 888, or 877" toll free number,
- it is charged to the called party,
- it is charged to a personal credit card, or
- it is charged to someone other than the department.

Collect calls will not be accepted except in an emergency situation and third-number calls are those billed to a telephone number other than the calling or called number and which are not credit card or collect calls. Third-number calls billed against state telephones result in additional charges without accountability and are therefore prohibited.

Telephone directory assistance information and direct connections made by telephone companies are chargeable services. These services are billed to the number from which the directory assistance calls were placed. This service is to be used only for state business and when absolutely necessary.

For any use of state telephone services beyond the parameters of this policy, you will be charged as follows:

- If a statement of itemized calls is presented to an employee and the employee fails to reimburse the state voluntarily within 30 days for those calls that fall outside the parameters of the telephone usage policy; or if it is determined that the employee has abused the telephone usage policy; the employee will be charged actual Illinois Department of Central Management Services billed charges plus \$1.00 per minute for long-distance calls and \$.50 per minute for local calls. These rates are intended to cover the cost of the calls and the administrative costs associated with reviewing bills and processing payments.
- If you have made personal calls that are not included under the telephone usage guidelines, the agency must be reimbursed. In these situations, you must fill out a Reimbursement for Personal Use of Phone form and return it to the Administrative Services Division along with a copy of the pages of the state phone bill showing the actual charges being reimbursed along with cash, check, or money order payable to "Illinois Racing Board." Collection action will be instituted through appropriate legal means if the charges are not paid within 30 days of billing.

The excessive use of personal cell phones or similar devices may subject an employee to discipline.

Section 5030.140 of the Illinois Administrative Code states:

Employees are put on notice that payment of toll and other charges does not prevent an agency from taking disciplinary action.

5.3.2 Official Vehicles

State vehicles are to be used for official business only. Operating a state vehicle for anything other than agency business may be grounds for disciplinary action up to and including dismissal.

Persons authorized to use state vehicles are responsible for their safe operation and must comply with all traffic laws. Vehicle operators are also responsible for complying with the regulations outlined in any State Vehicle Policy Manual adopted by the agency. If there is not a copy of the manual in the glove box of the vehicle you have been authorized to use, or if you have any questions regarding the information contained in this manual, contact your supervisor or Shared Services.

5.4 Parking

Reserved parking is provided only for employees assigned to the JRTC on a full-time basis and assigned a state-owned vehicle that is used for official business only. The agency is not responsible for any loss or damage to vehicles in parking lots used by agency personnel, nor is the agency liable for any injury incurred as a result of a vehicle accident in any parking lot used by agency personnel. Any such incidents, however, should be reported immediately to your supervisor and to CMS (See Vehicle Insurance below).

5.5 Official Documents and Manuals

The contents of agency manuals and other internal management documents are not to be disclosed without proper authority. Information concerning investigations, procedures, or operations of the agency should not be discussed outside the agency. Any questions about the propriety of releasing information should be directed to your supervisor or the Legal Division.

5.5.1 Care of Official Documents

The care of official documents is regulated by state law. All records and documents in the custody of agency employees, contractors, or contractor employees are for official use only. It is unlawful to conceal, alter, or destroy records or documents. Employees must never remove or attempt to remove such records or misfile documents with the intention of performing any of the above actions.

You must not remove records or documents from official files without approval from a proper authority. Work papers, copies of reports, and other official records and documents must be sent promptly to file when no longer needed for official purposes. Records and documents are to be disposed of in accordance with established procedures.

You will be held responsible for the loss, disappearance, or theft of official documents when such events are attributable to your carelessness or negligence. You are cautioned against leaving official documents unprotected in automobiles, on public conveyances, or in public places. Recovery of documents may not necessarily relieve you of responsibility for their loss.

Agency employees frequently review, distribute, possess, or otherwise gain knowledge or control of memoranda, records, letters, and other documents relating to matters of official agency business. You must not copy, distribute, or otherwise divulge the contents of any document for anything other than official

purposes. Unauthorized copying, use, or disclosure of documents or the contents thereof may be grounds for disciplinary action up to and including discharge.

It is improper for you to make a copy for personal use of any agency document.

Section 6: Computer (Electronic) Security

All computer resources, along with any access they may provide, are to be used during work hours for the sole purpose of conducting agency business. Employees may use agency computer resources to access the Internet during personal time as outlined elsewhere in this policy. Any violation of this policy may result in disciplinary action up to and including discharge.

6.1 Privacy

As an employee of the Illinois Racing Board, you must be aware of and acknowledge consent to the following:

- The agency reserves the right to monitor all correspondence or documents at any time with or without notice to an employee regardless of media (e.g., paper, electronic, and fax).
- The use of system log-on and passwords does not guarantee absolute privacy.
- Deleting documents from personal directories does not guarantee the removal of those documents from the computer system, as features inherent in electronic systems normally have backup capabilities that provide access through other means for periods of time. Mailboxes should not be used as storage areas and databases. Employees should send to “trash” all unnecessary, temporary, and old messages. “Trash” can be set to empty daily upon exit from Outlook by going into “Tools/Options/Other” and clicking on the “Empty the Deleted Items Folder Upon Exiting” box. Deleted items can be manually emptied by right clicking on the Deleted Items folder and emptying.

6.2 Ownership of Systems, Software, and Data Files

All microcomputer software, systems, and data files developed by agency employees or consultants on agency equipment are for official business and remain the sole property of the agency.

6.3 Software Licensing

You must adhere to all terms and conditions of software licensing agreements governing the distribution and use of microcomputer software. Violations of software license agreements and copyright laws are illegal and may subject the offender to both criminal prosecution and civil damages. Anyone who intentionally violates the software license agreement or copyright law is also subject to disciplinary action by the agency.

Also prohibited is the procurement or use of any software designed primarily to bypass copy protection procedures of any software package.

If you have any questions about licensing agreements or other policy issues contact the agency’s Information Services personnel.

6.4 Computer Security

You should observe the following computer security guidelines:

- Security is everyone’s responsibility; you should immediately report all violations to your supervisor or security coordinator.

- Everyone must follow the general security guidelines established for this agency. Visitors must be escorted while within agency work areas.
- If you suspect that an unauthorized individual is using agency computer terminals, PC's, or workstations you should notify your supervisor.
- If you experience difficulty logging onto the system, do not continue trying to log on; contact the Helpdesk.
- Never begin a computer session and then leave the workstation unattended unless appropriate measures are taken to secure the session.
- Do not leave System Information Guides (SIGs) lying around; these guides might help unauthorized persons to gain access to sensitive information. Secure hard copy reports.
- Make sure that backup materials (such as diskettes, flash drives, and printouts) are properly secured. Store backups away from originals. Do not use magnets around diskettes or diskette sleeves.
- Passwords are used to protect data from unauthorized access. Some passwords are common to a group while other passwords are unique to each individual and must be changed at designated intervals. These unique passwords must be confidential.
- Passwords that are unique to an individual must be changed at least once every 30 days.
- Do not use proper names or names of familiar items as your password.
- If you suspect that someone has used or changed your password, notify your immediate supervisor. If you transfer within the agency, whether within your previous administration's work area or to another work area, you may be assigned a new use ID that corresponds to the work area to which you have transferred.
- Use only those software packages or products that have been approved for departmental use. All CDs and diskettes other than new, blank, unformatted ones must be properly scanned for viruses by the department's current anti-virus software package. For assistance with this software, contact the Helpdesk. If a virus is detected, notify the Helpdesk and the agency's IT Administrator.
- The "C" drive on your PC is not safe for storing confidential information unless protected by special security software. In the case of portable PC's used in the field, the PC itself should be secured. See Mobile Device Security Policy on security/accountability of portable PC's which can be accessed at http://bccs.illinois.gov/IT_Policies.htm.

Refer to the General Security for Statewide IT Resources Policy for further information regarding computer security. A copy of this manual may be accessed at <http://bccs.illinois.gov/pdf/GeneralIT.pdf>.

6.5 Maintenance of Employee Files

Employees should periodically remove all unnecessary, temporary, old, and unused files from their respective directories. Such files include document, data, batch files, and electronic mail. Mailboxes are not to be used as storage areas and databases. Employees should purge all deleted files to ensure their permanent removal. LAN administrators are available to provide assistance with deletion and purging of files as well as field computer support. Employees may also get assistance by calling the Helpdesk.

6.6 Remote Access

When there is a demonstrated need to access resources remotely, permission must be granted by the agency's IT Administrator.

6.7 Reporting Potential Security Problems

Any unusual problems or attempted access of agency files or resources by an external or unauthorized source must be reported immediately to the Helpdesk and the agency's IT Administrator.

6.8 Electronic Mail

E-mail is considered a network activity and is subject to all policies regarding acceptable/unacceptable uses of the Internet. The user should not consider e-mail to be either private or secure. This policy applies to e-mail used within the agency and e-mail used conjointly with the Internet, and does not supersede any state or federal laws, or any other policies regarding confidentiality, information dissemination, or standards of conduct. Generally, e-mail should be used only for legitimate state business; however, brief and occasional e-mail messages of a personal nature may be sent if the following conditions are met:

- Personal use of e-mail is a privilege, not a right. Abuse of the privilege may resort in appropriate disciplinary action.
- Users need to keep in mind that all e-mail can be recorded and stored along with the source and destination.
- Users have no right to privacy with regard to e-mail. Management has the ability and right to view users' e-mail.
- Stored e-mail messages are the property of the agency and therefore the taxpayers of the state of Illinois.
- Personal use of e-mail for political activities is a separate violation of the State Employee Ethics Act.

Users should be aware that when sending an e-mail message of a personal nature, there is always the danger of the user's words being interpreted as official agency policy or opinion. Therefore, when an employee sends a personal e-mail, especially if the content of the e-mail could be interpreted as an official agency statement, the employee should use the following disclaimer at the end of the message:

"This email contains the thoughts and opinions of (employee name) and does not represent official department policy."

Restrictions

Personal e-mail should not impede the conduct of state business; only incidental amounts of employee time should be used to attend to personal matters.

Racist, sexist, threatening, or otherwise objectionable language is prohibited.

E-mail should not be used for any personal monetary interests or gain unrelated to agency business.

Users should not subscribe to mailing lists or mail services strictly for personal use.

Personal e-mail should not cause the state to incur a direct cost in addition to the general overhead of e-mail. Consequently, upon receiving personal e-mail, users should read it and delete it. No storage or printing of personal e-mail is permitted.

6.9 The Internet

The Internet provides a source of information that can benefit every professional discipline represented in the Illinois Racing Board. It is the policy of the agency that employees whose job performance can be enhanced through use of the Internet be provided access and become proficient in its capabilities. This policy document delineates acceptable use of the Internet by agency employees, contractors, and volunteers with security clearances while using state-owned or leased equipment, facilities, Internet addresses, or domain names to the Illinois Racing Board.

The Internet is comprised of thousands of interconnected networks that provide digital pathways to millions of information sites. Because these networks subscribe to a common set of standards and protocols, users have worldwide access to Internet hosts and their associated applications and databases. Electronic search and retrieval tools permit users to gather information and data from a multitude of sources and to communicate with other Internet users who have related interests.

Access to the Internet provides government agencies with the opportunity to locate and use current and historical data from multiple sources worldwide in their decision-making processes. Employees and authorized volunteers and contractors of the Illinois Racing Board are encouraged to develop the skills necessary to effectively utilize these tools in the performance of their jobs.

Scope of the Policy

This policy applies to Internet access only. It does not cover the requirements, standards, and procedures for the development and implementation of department information sites on the Internet.

The following agency users are covered by this policy:

- All employees of the Illinois Racing Board
- Volunteers who are authorized to use agency resources to access the Internet.
- Agency contractors who are authorized to use government owned equipment or facilities.

This policy distinguishes between Internet access performed during normal working hours and that performed on personal time (i.e., on weekends, before and after work, during lunch periods, or during scheduled break periods). This policy applies to Internet access when using government equipment and facilities, and performed using protocol addresses and domain names registered to the agency.

Policy

The Illinois Racing Board promotes Internet use that enables employees to perform agency missions and encourages its employees, to develop Internet skills and knowledge. If an employee's supervisor determines that Internet access is in the best interest of the agency, the supervisor may recommend to the Executive Director that an employee should be permitted to use the Internet on personal time to build his/her network search and retrieval skills. The IT Administrator must provide written permission using an Enterprise Service Request form for Internet access for the employee. For the purposes of this policy,

whether Internet access is in “the best interest of the agency” means that such access will be granted where there is a demonstrable need for the employee to have access to information available on the Internet in the performance of that person’s day to day duties. Employees who do not require access to the Internet as part of their official duties may not access the Internet using agency facilities under any circumstances. It is expected that employees will use the Internet as part of their official duties; to improve their job knowledge; to access work related topics that have relevance to the agency; and to communicate with their peers in other government agencies, academia, and industry. Users should be aware that when access is accomplished using Internet addresses and domain names registered to the Illinois Racing Board, they might be perceived by others to represent the agency. Users are advised not to use the Internet for any purpose that would reflect negatively on the agency or its employees.

State of Illinois computer systems are for governmental use and not for personal use; however, when certain criteria are met, department users are permitted to engage in the following activities:

- During work hours, access job-related information to meet requirements of their jobs.
- During work hours, participate in news groups, chat sessions, email discussion groups, and list servers provided these sessions have a direct relationship to the user’s job with the agency. Only those employees or officials who are expressly authorized to speak to the media or to the public on behalf of the agency may represent the agency within any news group or chat room. Other personnel may participate in news groups or chat rooms in the course of business when relevant to their duties, but they must do so as individuals speaking for themselves and must include a disclaimer in their comments.
- During personal time, retrieve non-job related text and graphics information to develop or enhance Internet-related skills. It is expected that these skills will be used to improve the accomplishment of job-related work assignments. The use of Internet resources enhances the employee’s knowledge and skills in information retrieval, benefits that immediately translate to his or her ability to perform work-related activities. By encouraging employees to explore the Internet, the agency also builds its pool of Internet-literate staff that can then guide and encourage other employees. Personal use of the Internet should not be conducted in such a manner as to impede the conduct of agency business.

Restrictions

The following uses of the Internet during work hours or personal time using agency equipment are not allowed:

- Access, retrieve, or print text and graphics information which exceeds the bounds of generally accepted standards of good taste and ethics. For example, accessing, posting, or sharing any racist, sexist, threatening, obscene, erotic and pornographic, or otherwise objectionable material (i.e., visual, textual, or auditory entity) is strictly prohibited.
- Engage in any unlawful activities or any other activities that would in any way bring discredit to the Illinois Racing Board.
- Engage in personal commercial activities on the Internet, including offering services or merchandise for sale or ordering services or merchandise from on-line vendors.
- Engage in any activity that would compromise the security of any government host computer. Host log-in passwords will not be disclosed or shared with others.
- Engage in any fund-raising activity, endorse any product or services, participate in any lobbying activity, or engage in any active political activity. Active political activity includes utilizing the Internet in any fashion to promote or support a candidate for political office. This activity may be distinguished from accessing a Web page that may be sponsored by a political organization in order to obtain information relevant to an employee’s duties. For example, it is permissible to access the

campaign Web site of a member of the Illinois General Assembly in order to obtain information concerning a racing proposal of a member.

- Employees must not intentionally use the Internet facilities to disable, impair, or overload performances of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- Engage in any type of Internet-based gaming activity.

6.10 Supervisory Responsibility

Supervisors of agency employees, volunteers, and contractors, together with the agency IT Administrator, will have the final authority in determining whether an employee requires Internet skills to accomplish their assigned duties. Supervisors have the responsibility for:

- requesting Internet access for their employees who need it to conduct the official business of the agency,
- advising their employees regarding the restriction against personal use of the agency Internet access resources from other than agency facilities,
- participating in the determination as to the appropriateness of their employee's use of the Internet when questions arise. This shall include the acceptability of Internet sites visited and the determination of personal time versus official work hours with assistance from the Executive Director and agency IT Administrator.

6.10.1 Regulation and Enforcement

The Executive Director and agency supervisors are responsible for compliance with the provisions of this policy and for investigating non-compliance. These duties include, but are not limited to investigation of alleged or suspected non-compliance with the provisions of the policy; and suspension of service to users or suspension of user access with or without notice, when deemed necessary for the operation and/or integrity of the agency's communications infrastructure or connected networks.

When an instance of noncompliance is suspected or discovered in a computing system or network connected to the state network, the agency shall proceed with discipline in accordance with the personnel rules. Internal discipline, up to and including discharge, may be appropriate in some cases of non-compliance with this policy. Criminal or civil action may be initiated in appropriate circumstances.

6.10.2 Obtaining Authorized Access

Employees must have written approval from their supervisor before access to Internet services will be granted; the employee's justification for requesting Internet access must be stated on the form. An approved Enterprise Service Request form must be completed by the agency's IT Administrator. Employee usage of the Internet constitutes the following:

- An acceptance of all policies and Internet usage restrictions,
- An acceptance that Internet usage will be monitored,
- An understanding that loss of Internet privileges and disciplinary action may result from failure to follow the Internet access policy, and
- An understanding of the rules, procedures, and etiquette for using Internet services.

6.11 User Responsibilities

Use of computer equipment and Internet access to accomplish job responsibilities will always have priority over personal use. In order to avoid capacity problems and to reduce the susceptibility of agency information technology resources to computer viruses, Internet users will comply with the following guidelines:

- Users must not store personal files obtained via the Internet on individual PC hard drives or on local area network (LAN) file servers.
- Users must follow existing security policies and procedures in their use of Internet practices which might jeopardize the agency's computer system and data files, including but not limited to virus attacks, when downloading files from the Internet.
- Users must learn about Internet etiquette, customs, and courtesies including those procedures and guidelines followed when using remote computer services and transferring files from other computers.
- Users must familiarize themselves with any special requirements for accessing, protecting, and utilizing data, including Privacy Act materials, copyrighted materials, and procurement sensitive data.
- Users must conduct themselves in a way that reflects positively on the agency.

Important: ***PERSONAL USE OF THE INTERNET ON GOVERNMENT EQUIPMENT IS A PRIVILEGE, NOT A RIGHT.** Employees have no right to privacy regarding Internet usage on government equipment. Individuals using government equipment to access the Internet are subject to having their activities monitored by system or security personnel. By using government equipment for any of the aforementioned purposes, the user consents to security monitoring.*

6.12 Auditing Compliance

The agency will periodically review access approval forms and Internet usage practices to determine if agency personnel are in compliance with the Internet access policy.

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